



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

10801 Town Square Dr.  
Blaine MN 55449

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Thursday, January 5, 2012

7:30 PM

Council Chambers

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**Meeting Number 12-02**

**1. CALL TO ORDER BY THE MAYOR**

*The meeting was called to order at 7:36 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; Jim Hafner, Stormwater Manager; Jean Keely, City Engineer; Nyle Zikmund, SBM Fire Chief; Roark Haver, Communications Technician; Al Thorp, Senior Engineering Technician; Jane Cross, City Clerk; and Recording Secretary Linda Dahlquist.*

**Present:** 7 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Councilmember Bourke, Councilmember Kolb and Councilmember Herbst

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. APPROVAL OF MINUTES**

**4.-1 MIN 12-01**

**WORKSHOP MEETING - 12/15/2011**  
**REGULAR MEETING - 12/15/2011**

**Sponsors:** Cross

**Attachments:** [Workshop Minutes 12/15/11](#)  
[Regular Meeting 12/15/11](#)

*Councilmember Clark requested the following change to page 3, paragraph 5: "questioned the use of the word ward" to "expressed a level of discomfort of going to ward."*

**Moved by Councilmember Kolb, seconded by Councilmember Herbst, that the Minutes be Approved. Motion adopted 5-2 (Councilmember Hovland abstained from the December 8, 2011, Workshop Meeting and Truth In Taxation Meeting due to his absence. Councilmember Bourke abstained from the December 8, 2011, Workshop Meeting and Truth In Taxation Meeting due to his absence.)**

4.-2 [MIN 12-02](#)**WORKSHOP MEETING - 12/08/2011  
TNT MEETING - 12/08/2011**

**Sponsors:** Cross

**Attachments:** [Workshop Minutes 12/08/11](#)  
[Truth In Taxation Minutes 12/08/11](#)

Moved by Councilmember Kolb, seconded by Councilmember Herbst, that the Minutes be Approved. Motion adopted 5-2 (Councilmember Hovland abstained from the December 8, 2011, Workshop Meeting and Truth In Taxation Meeting due to his absence. Councilmember Bourke abstained from the December 8, 2011, Workshop Meeting and Truth In Taxation Meeting due to his absence.)

**5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS**5.-1 [RES 12-002](#)**PROCLAMATION - EAGLE SCOUT CONNOR SCOTT  
WINTERS**

*Mayor Ryan read the proclamation and congratulated Eagle Scout Connor Scott Winters.*

**Informational: no action required**

5.-2 [RES 12-003](#)**PROCLAMATION - EAGLE SCOUT ERIC STEVEN  
BYSTROM**

*Mayor Ryan read the proclamation and congratulated Eagle Scout Eric Steven Bystrom.*

**Informational: no action required**

5.-4 [TMP 12-013](#)

*Safety Service Manager/Police Chief Olson and Officer Gordy Fisk, liaison officer at the Roosevelt Middle School, recognized two of the three essay contest winners. Selam Berhea, eighth grader at Roosevelt Middle School and Amanda Schwabe, eighth grader at Calvin Christian School. The essay titled, "Cool technology tools, how do I use them for good." Ms. Schwabe wrote about internet safety and bullying. Ms. Berhea wrote about bullying, how to use the internet to bring important issues to the public, and how technology is a privilege. The winners will receive a certificate and \$100 from the Cheese Association. Officer Olson also recognized contest supporters Target Corporation, the BCA, St. Mary's, AAA, and the Minnesota Internet Crimes Against Children Task Force. Chief Olson announced that Hope Ollanketo, Calvin Christian School, is also an essay winner, but she was unable to attend the meeting tonight.*

**Informational: no action required**

5.-3 [MO 12-001](#)**APPOINTMENTS OF VARIOUS BOARDS/COMMISSION**

## LIAISONS FOR 2012

**Sponsors:** City Manager Arneson

*Appointment of Mayor Pro Tem (Councilmember Clark 2011).*

*Mayor Ryan announced the appointment of Councilmember Kolb as 2012 Mayor Pro Tem.*

*Appointment of President and Vice President of Blaine EDA (Mayor Ryan and Councilmember Clark Respectively 2011 Appointees).*

*Mayor Ryan announced the appointments of Mayor Ryan and Councilmember Kolb as 2012 President and Vice President of Blaine EDA.*

*Appointments to the Senior Citizen Advisory Council (Mayor Ryan and Councilmember Swanson 2011 Liaisons).*

*Mayor Ryan announced the appointments for the Senior Citizen Advisory Council are Mayor Ryan and Councilmember Swanson 2012 Liaisons.*

*Appointments of Liaison to the Natural Resources Conservation Board (Councilmembers Clark, Kolb, and Swanson 2011 Liaisons).*

*Mayor Ryan announced the appointments of liaison to the Natural Resource Conservation Board are Councilmembers Clark, Kolb, and Swanson 2012 Liaisons.*

*Appointments of Liaison to the Special Board of Review – 1 per Council District (Councilmembers Swanson, Bourke, and Herbst 2011 Liaisons).*

*Mayor Ryan announced the appointments of liaison to the Special Board of Review – 1 per Council District are Councilmembers Hovland, Clark, and Kolb 2012 Liaisons*

*Appointment of Liaison to the Coon Creek Watershed Board (Councilmember Hovland 2011 Liaison).*

*Mayor Ryan announced the appointment of liaison to the Coon Creek Watershed Board is Councilmember Hovland 2012 Liaison.*

*Appointment of Liaison to the Rice Creek Watershed Board (Councilmember Herbst 2011 Liaison).*

*Mayor Ryan announced the appointment of liaison to the Rice Creek Watershed Board is Councilmember Herbst 2012 Liaison.*

*Appointments of Liaison to Anoka County Joint Law Enforcement Council (Mayor Ryan and Chief Olson 2011 Liaisons).*

*Mayor Ryan announced the appointments of liaison to Anoka County Joint Law Enforcement Council are Mayor Ryan and Chief Olson 2012 Liaisons.*

*Appointments of Liaison to Anoka County Board of Commissioners (Councilmembers Herbst, Bourke, Hovland 2011 Liaisons).*

*Mayor Ryan announced the appointments of liaison to Anoka County Board of Commissioners are Councilmembers Herbst, Bourke, and Hovland 2012 Liaisons.*

*Appointments of Liaison to Anoka County – Blaine Airport Advisory Committee (Mayor Ryan and City Manager Clark Arneson 2011 Liaisons).*

*Mayor Ryan announced the appointments of liaisons to Anoka County – Blaine Airport Advisory Committee are Mayor Ryan and City Manager Clark Arneson 2012 Liaisons.*

*Appointment of Liaison to the Fogerty Arena Board of Directors (Councilmember Clark 2011 Liaison).*

*Mayor Ryan announced the appointment of liaison to the Fogerty Arena Board of*

*Directors is Councilmember Clark 2012 Liaison.*

*Appointment of Liaison to the North Metro Telecommunications Commission (Councilmember Swanson 2011 Liaison).*

*Mayor Ryan announced the appointment of liaison to the North Metro Telecommunications Commission is Councilmember Swanson 2012 Liaison.*

*Appointment of Liaison to the Spring Lake Park Firefighters Relief Association Board of Trustees (Councilmember Swanson 2011 Liaison).*

*Mayor Ryan announced the appointment of liaison to the Spring Lake Park Firefighters Relief Association Board of Trustees is Councilmember Swanson 2012 Liaison.*

*Appointments of Liaison for the 35W Corridor Coalition (Councilmember Swanson and City Manager Arneson 2011 Liaisons, Councilmember Hovland – Alternate).*

*Mayor Ryan announced the appointments of liaison for the 35W Corridor Coalition are Councilmember Swanson and City Manager Arneson 2012 Liaisons, and Councilmember Hovland – Alternate.*

*Appointments of Member and Alternate to NorthStar Corridor Development Authority (Mayor Ryan and City Manager Arneson Respectively 2011 Liaisons)*

*Mayor Ryan announced the appointments of Member and Alternate to NorthStar Corridor Development Authority are Mayor Ryan and City Manager Arneson – Alternate Respectively 2012 Liaisons.*

*Action 12-002 (AI 5.3)*

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

## 6. COMMUNICATIONS

*Councilmember Clark announced a gathering will be held tonight at 10:00 p.m. at the Blaine High School on the 50 yard line of the football field to share thoughts and prayers for Jack Jablonski (injured hockey player) sponsored by the Hockey Association, Fellowship of Christian Athletes, and other youth groups.*

*Mayor Ryan thanked the residents and businesses of Blaine for their support of the Troops. A large group will be leaving this weekend for Iraq.*

## 7. OPEN FORUM FOR CITIZEN INPUT

*Mayor Ryan opened the open forum at 7:55 p.m.*

*A resident is concerned about the proposed big box on Ball Road because her house is on Ball Road. She stated she looked at the conditional users permit and it clearly states there should be no effect on the neighborhood, schools, lakes, parks and wetlands. She stated the biggest thing on the area will be the traffic which is going to impact our schools and our children walking to school. She stated the other thing it will impact is the safety of the emergency vehicles and their response time. She stated now their response time would be down from 3 to 5 minutes. She urged the Council to take this seriously with the members who live in the area. She stated you just can't put a big box in any community and expect it to work.*

*A second resident stated she is also talking about the Walmart store on Ball Road. She wanted to ask the Council if she could get information about the traffic study that the previous resident talked about. She stated there is a look of an absorbent amount of traffic coming up to this new store – maybe up to 13,000 cars. She asked*

*the Council if they think that is a lot of traffic on that area, she stated she believes the residents do. She asked if the City could send her a list of city streets in the City of Blaine that has that same amount of traffic on it.*

*Mayor Ryan responded the Council does not react to something that is unknown. He stated at the end of January the City will close on a Walmart store that was worked on a year ago. He stated the Council has not heard a word nor has the City staff.*

*A third resident responded as a person who moved to Blaine 15 years ago, she had, in the first week, a deer in in her yard. She stated she loves the neighborhood and wants to keep the neighborhood, so she is bringing her concerns to the Council as she hears them.*

*Councilmember Clark stated the exact question the female resident asked is on a list of questions that the Council has given to staff to pull the research together. He stated the staff does not have the answer tonight and the application is not in front of the Council. He stated when the City has an answer it will be a matter of public record.*

*Mayor Ryan commented everyone's emails have been fair. He stated it will be a long process.*

*Joe Preiner, 6375 St. Croix Trail N, Oak Park Heights, Minnesota, stated he owns 74 acres on the southwest corner of Lexington and 109th zoned, planned business district. He stated he has owned the property since 1967. The property has been zoned and taxed as commercial as long as he has owned it. His property is west, across Lexington Avenue from the Blaine Village and approximately 1.5 miles by road from the controversial Ball Road Walmart site. He stated the property has been on the market for sale since 1991 and there have been ten purchase agreements tendered to him that all evaporated because of wetland issues. He stated as of February 22, 2010, his property has an approved delineation from the Rice Creek Watershed District and the US Army Core of Engineers for 64 acres of highlands; so the wetland issues have been resolved. He stated he is here tonight to give the City a win win solution with no traffic problems. His property has a quarter mile frontage onto Lexington Avenue, a half mile frontage onto 109th, and a designated access to Pheasant Ridge Road to the south. He stated this is a perfect traffic loop for a heavy traffic development. Mr. Preiner stated Lexington Avenue is slated to be upgraded to a four lane highway in 2012, according to the Anoka County website. He stated his engineer has completed a preliminary plat that can be adjusted to fit a 24 acre development and a traffic study has been done. He stated his engineer told him he can entitle the property in four months. He stated the 24 acres is on the east edge of his property is basically sand, highland and near the elevation of Lexington Avenue. Mr. Preiner considers the property shovel ready to be utilized as it is zoned commercial and retail.*

*Mayor Ryan stated the City had hoped that Mr. Priener's land would be utilized for a hospital. He commented that the negotiations on the site have to be with Walmart.*

*There being no further input, Mayor Ryan closed the open forum at 8:05 p.m.*

## **8. ADOPTION OF AGENDA**

*The agenda was approved as presented.*

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

9.-1 [ORD 11-2238](#)

**VACATION OF DRAINAGE AND UTILITY EASEMENTS  
FOR LOTS 11 & 12, BLOCK 2, HARPERS STREET  
WOODS  
VACATION NO. V11-07  
CHAPTER 194**

**Sponsors:** Keely

**Attachments:** [Harpers Street Woods Map.pdf](#)

*City Engineer Keely stated the vacation in front of the Council tonight for public hearing and first reading is for utility and drainage easements for lots 11 and 12, block 2, Harpers Street Woods. This item is on the agenda for a waiver of platting. She stated the vacation is the northeast section of lot 11 is proposed to be split off and added to lot 12 resulting in the existing easements that were previously platted and no longer necessary. This item is linked to another item on tonight's agenda. Ms. Keely stated the City has no issues with this request and concurs with the proposed vacation of easement.*

*Mayor Ryan opened the public hearing at 8:06 p.m.*

*There being no public input, Mayor Ryan closed the public hearing at 8:07 p.m.*

*Action 12-003 (AI 9.1)*

**Mayor Ryan declared that this Ordinance be Introduced, Read, and Placed on File for Second Reading at the January 19, 2012 meeting.**

**10. APPROVAL OF CONSENT AGENDA:**

**Approval of the Consent Agenda**

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

10.-1 [MO 12-002](#)

**SCHEDULE OF BILLS PAID**

**Sponsors:** Huss

**Attachments:** [12/09/11 Bills Paid](#)  
[12/22/11 Bills Paid](#)  
[November 2011 Payroll Checks & Wire Transfers](#)

**Approved unanimously by Consent Vote.**

**11. DEVELOPMENT BUSINESS**

11.-1 [RES 12-004](#)

**CONDITIONAL USE PERMIT TO OPERATE A MAJOR**

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**AUTO REPAIR BUSINESS IN A B-2 (COMMUNITY  
COMMERCIAL)  
ZONING DISTRICT**

**HONEST-1 AUTO CARE  
10705 UNIVERSITY AVENUE NE**

**CASE FILE NO. 11-0044**

**Sponsors:** Kaye

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

*Planning Director Schafer stated currently the building located at 10705 University Avenue is vacant. The applicant would like to use the five-bay building to repair passenger vehicles. The business would include full service vehicle maintenance and repair. He stated repair services range from oil changes to engine and transmission replacement, but no auto body work. The hours of operation will be Monday through Friday, 7:00 am to 6:00 pm, and Saturday from 8:00 am to 4:00 pm. The business will be closed on Sunday. Mr. Schafer stated the applicant has submitted a landscape plan with some additional plantings on site. He stated a site improvement performance agreement and financial guarantee will be required prior to the Site Plan approval and occupying the site. He stated parking is adequate on site for the size of the existing building. Mr. Schafer stated a Certificate of Occupancy must be obtained for the building prior to occupancy.*

*A representative from Honest-1 Auto Care, a national franchise that is new to Blaine, stated the company's focus is on quality repairs. He stated the company is environmentally certified, uses clean environmental safe products and offers warranties on repairs that are longer than the average.*

*Councilmember Kolb stated she is glad Honest-1 is moving in on University Avenue and this is a good business for this location.*

*Councilmember Bourke commented Honest-1 rehabbed a building in Anoka and they did a good job.*

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

11.-2 [RES 12-005](#)

**CONDITIONAL USE PERMIT TO ALLOW  
INSTALLATION OF A NINE (9) FOOT FENCE ALONG  
CO52 (RADISSON ROAD).**

**13269 OWATONNA COURT NE  
DEAN SIME**

**CASE FILE NO. 11-0043**

**Sponsors:** Johnson

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

*Planning Director Schafer stated the fence the applicant is proposing will be 9 feet in height and will run along the length of their rear property line that abuts the west side of Radisson Road. The fence will be solid panel and look like granite. He stated the application, as submitted, is consistent with the expectations of the code amendment.*

*Councilmember Herbst asked if any City money will be used for the fence. Community Development Schafer responded he is unaware if the applicant requested the funds.*

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

11.-3     [RES 12-006](#)

**WAIVER OF PLATTING TO SUBDIVIDE A .78 ACRE  
PARCEL INTO A .51 ACRE PARCEL (PARCEL A) FOR  
THE CONSTRUCTION OF A HOME AND A .27 ACRE  
PARCEL (PARCEL B) THAT WOULD BE COMBINED  
WITH THE VACANT PARCEL ADJACENT TO THE  
SOUTH.**

**CAPSTONE HOMES, INC.  
2951 & 2957 128TH AVENUE NE**

**CASE FILE NO. 11-0042**

**Sponsors:**     Kaye

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

*Planning Director Schafer stated Capstone Homes is requesting to split a lot (2951 128th Avenue) into two parcels in order to combine .27 acres (Parcel B) with the property adjacent to the south (2957 128th Avenue). He stated an existing home was removed from the middle of the original parcel. Mr. Schafer stated the applicant is requesting a waiver of platting to subdivide the parcel into two lots and allow for two similarly shaped parcels that are consistent with adjacent lots.*

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

12.     **ADMINISTRATION**

12.-1     [RES 12-001](#)

**MISSION STATEMENT AFFIRMING COUNCIL/STAFF  
RESPONSIBILITIES**

**Sponsors:**     City Manager Arneson

*Mayor Ryan stated the City Council initially adopted Resolution No. 86-41 defining certain responsibilities, defining expected Council/staff relationships and performance*



*expectations, assuring no recriminations for acting in the public interest, and pledging no self-serving activities at the expense of the public interest. This resolution comes to the City Council each year for consideration and adoption at the first official meeting of the year.*

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

12.-2 [MO 12-003](#)

### DESIGNATION OF OFFICIAL NEWSPAPER FOR 2012

**Sponsors:** City Manager Arneson

**Attachments:** [2012 ABC Letter](#)  
[Sun Focus letter 2012](#)

*Mayor Ryan stated state law requires that the Council designate a single newspaper as its official newspaper. He stated proposals were received from the Blaine-Spring Lake Park Life and Sun Focus News. Mayor Ryan stated staff recommendation is for the Blaine-Spring Lake Park Life newspaper should be designated as the official newspaper.*

*Councilmember Hovland stated he had read that the Sun newspaper was recently purchased. City Manager Arneson responded ECM, the owner of Blaine-Spring Lake Park Life, has acquired Sun Focus newspaper. He stated there is a 100 day transition period, so the purchase will be final after 100 days.*

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

12.-3 [MO 12-004](#)

### DESIGNATE OFFICIAL CITY DEPOSITORIES FOR 2012

**Sponsors:** Huss

*Mayor Ryan stated 21st Century Bank has served as the City's primary banking services provider since 2008 and has provided satisfactory service with regard to the terms of the agreement. He stated the City's senior housing accounts are on deposit with Village Bank, and US Bank is used as a depository for certain investment transactions. He stated, if necessary, any additional depositories for 2012 would be brought before the Council for approval.*

*Councilmember Bourke asked if the contract is for four years. City Manager Arneson responded the contract is for five years. He stated the RFP cycle will be next year.*

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

12.-4 [MO 12-005](#)

### SIDEWALK CONSTRUCTION IN THE PLAT OF WOODLAND VILLAGE, IMPROVEMENT PROJECT NO. 11-20

**Sponsors:** Keely

**Attachments:** [sdwk item attachment](#)

*Moved by Councilmember Clark, seconded by Councilmember Swanson, that Motion 12-005, "Staff recommendation of sidewalk construction in the plat of Woodland Village. Improvement Project No. 11-20," be approved.*

City Engineer Keely stated the Council authorized the City Manager to enter into a contract with Pioneer Engineering for preparation of construction plans to complete public improvements with bond funds from the original Gardenwood Village development. Council asked staff to withhold \$3,000 of the contract until a decision was made on sidewalk construction on Hupp Street. She stated fifty-two meeting notices were mailed to property owners and a neighborhood meeting was held with four residents in attendance. She stated the City received five emails.

City Engineer Keely stated a concrete sidewalk is proposed to be built on the east side of Hupp Street to match existing sidewalk that is adjacent to the plat of St. Andrews Village, on the north side of 117th Avenue on the east side of Woodland Parkway and on the north side of 118th Avenue. A bituminous trail was also proposed to be built on the west side of Woodland Parkway. She stated these were on the original construction plan approved for construction with the Gardenwood plat. Ms. Keely stated input from the neighborhood meeting and emails received, resulted in four residents in favor of moving the sidewalk from the east side to the west side of Hupp Street from 117th to Woodland Parkway. She stated three residents had no opinion on the Hupp Street sidewalk.

City Engineer Keely stated the developer of St. Andrews Village sent an email with a strong opinion that the sidewalk should remain on the east side of Hupp Street to match the sidewalk he had previously constructed with his plat. She stated the developer of Woodland Village asked that the sidewalk on Hupp Street be built economically on either side of the street. She stated the Woodland Development expressed a concern that if the sidewalk is moved, the City may need a plan to justify and rectify with the builders on the east side of Hupp Street that had already prepared their driveways for sidewalk placement.

City Engineer Keely stated staff recommendation is to continue the sidewalk on the east side of Hupp Street to match the existing sidewalk adjacent to St. Andrews Village. All driveways built on the east side, except for the concrete driveway of the original model home, were built to accommodate that future sidewalk construction. She stated the concrete driveway and front yard of the model home would have to be regraded with the sidewalk construction and would go from an existing grade of 11-13% slope with a 4% slope in front of the garage to a straight 10% slope from the sidewalk to the garage pad.

City Engineer Keely summarized either side of Hupp Street will work for sidewalk construction. She stated if the Council directs the change in the sidewalk design to the west side, pedestrians would have to cross at 117th across Hupp Street at 117th Avenue to continue on with the sidewalk loop. She stated staff does not recommend striping or signage of a crosswalk because this is a mid-block location. Ms. Keely asked the Council to release the \$3,000 so engineering design can occur and give direction on the sidewalk location.

Councilmember Herbst stated the model home was allowed to be built high. He stated he would like to see the sidewalk be built on the other side of the road. He stated he looked at the driveway and the whole driveway would have to be redone.

City Engineer Keely stated sidewalks need to follow the American Disability Act and the driveway would result in a 10% regrade. She stated the slope of the model's driveway is 11% at the street and crowns at 13%, and is at 4% in front of the garage.

Councilmember Herbst stated he would like to move the sidewalk across the street.

*Councilmember Bourke stated he would like to see the sidewalk moved across the street. He asked about the cost to tear out and replace the driveway.*

*Councilmember Clark stated if the driveway is rebuilt, would the rebuilt driveway solve the slope problem.*

*City Engineer Keely responded there would be additional costs to regrade the yard and lower the driveway.*

*Councilmember Bourke commented the costs to regrade would be substantial.*

*Councilmember Clark asked again will the regrade solve the slope issue. Council's consensus was it would not. City Engineer Keely responded the current driveway's 4% slope in front of the garage would be lost and the driveway would be a straight 10% slope.*

*Councilmember Kolb reiterated there would be no striping for a crosswalk, but the sidewalk crosses the street. She asked if this would be a safety issue for accessibility. City Engineer Keely responded a cross walk policy is being created for the City. She stated residents crossing the road would need to stop and look both ways before crossing the street. Hupp Street is a residential street, not a collector route. Councilmember Kolb commented the residents would need to look both ways before crossing the road.*

*Councilmember Swanson clarified that Woodland Development stated that if the sidewalk is moved, the City would need a plan to justify and rectify with the builders on the east side of Hupp Street that already prepared for the sidewalk placement. He asked if the City would owe \$3,000 to that developer that was ordered to regrade their driveway. City Engineer Keely responded she does not have an answer to this question. She stated Woodland Development wanted to make the City aware that a request could be received. She stated all property owners and builders were sent notices about the neighborhood meeting and no requests have been received.*

*Councilmember Swanson clarified one builder was made to rebuild a driveway because of the proposed sidewalk on the east side and it is a potential liability. City Engineer Keely responded this is the only driveway that was regraded for a sidewalk. She stated all other driveways were built to accommodate a sidewalk.*

*Councilmember Clark asked how a model house was allowed to be built out of grade with the rest of the properties. City Engineer Keely responded that is a risk when a model home goes in before any other improvements.*

*Councilmember Clark asked if there were elevation standards for the development. City Engineer Keely stated the model was built higher than the grading plan. Carrie Kirscht, the model home owner, responded the builder used the grading plan that was given to the developer by the City.*

*Councilmember Herbst summarized the City would have to tear out the existing driveway, regrade the yard and build a new driveway.*

*Councilmember Clark stated he would like to keep the alignment where it is, but the financial cost does not make sense. He stated the sidewalk should be moved to the west side of the road.*

*Mayor Ryan asked about the elevation standard from the street level to the basement level. City Engineer Keely responded the maximum is 10% for a driveway. She stated the American Disabilities Act standard is 2% when a sidewalk or trail is*

involved.

Councilmember Kolb asked about the length of the sidewalk on the west side of the street. Community Development Director Schafer drew on the plat map showing where the new sidewalk would be built on the west side of Hupp Street.

Councilmember Clark withdrew his motion. Councilmember Swanson concurred with withdrawing the motion.

Action 12-012 (AI 12.4)

Councilmember Bourke asked if the City has the right to go onto private property. The Council's consensus was yes it would.

Mayor Ryan stated he does not see an issue with running the sidewalk across the street.

Councilmember Hovland commented the sidewalk will be in front of townhomes. Public Services Manager Therres responded originally the lots were platted for townhomes, but the lots are now platted for single family homes, so the sidewalk will be in front of single family homes on the west side of Hupp Street.

**Moved by Councilmember Bourke, second by Councilmember Swanson, that Motion 12-005, "Release \$3,000 contract funds for sidewalk construction on the west side of Hupp Street in the plat of Woodland Village. Improvement Project No. 11-20," be approved. Motion adopted unanimously.**

12.-5 [RES 12-007](#)

## ADOPTING THE 2012 CAPITAL FUND BUDGET

**Sponsors:** Huss

**Attachments:** [2012 Capital Equipment Budget.pdf](#)  
[2012 Capital Equipment Budget as amended.pdf](#)

Finance Director Huss stated the Council reviewed the proposed list of capital purchases for 2012 at the December 15 workshop and based on the discussion and direction, adjustments were made to the budget. He stated it is customary to fund capital purchases with the use of undesignated General Fund reserves, per Council direction, staff will exam the feasibility and cost-effectiveness of issuing a Certificate of Indebtedness to fund 2012 capital expenditures. Mr. Huss stated an examination of current debt payments and the impact that any new debt issues will have on the overall property tax levy will be performed early in 2012 to assist in the decision process.

Mayor Ryan asked about the fiber optic cable extension by Anoka County to the Senior Center. Finance Director Huss responded Anoka County will run fiber optic up to the property line and the City would have to connect from the property line to the building.

Councilmember Hovland asked about the type of flooring and what changed to reduce the cost. Safety Service Manager/Police Chief Olson responded he met with a contractor and the new flooring location was narrowed down. He stated an actual flooring type has not been selected at this time.

**Moved by Councilmember Swanson, second by Councilmember Herbst, to amend the motion to reduce the proposed budget amount by \$28,000 due to a reduction in cost on flooring for the Police department. Amendment adopted**

unanimously.

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

**13. OTHER BUSINESS**

*None.*

**14. ADJOURNMENT**

**Moved by Councilmember Herbst, seconded by Councilmember Bourke, that this meeting be Adjourned. The Motion was adopted unanimously. the meeting adjourned at 9:00 p.m.**