



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

10801 Town Square Drive
NE
Blaine MN 55449

Thursday, November 5, 2015

7:30 PM

Council Chambers

1. CALL TO ORDER BY THE MAYOR

The meeting was called to order at 7:35 p.m. by Mayor Ryan followed by the Pledge of Allegiance and the Roll Call.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Quorum present.

ALSO PRESENT: City Manager Clark Arneson; City Attorney Patrick Sweeney; Planning and Community Development Director Bryan Schafer; Public Services Manager Bob Therres; Finance Director Joe Huss; Economic Development Coordinator Erik Thorvig, Police Chief/Safety Services Manager Chris Olson; Communications Technician Roark Haver; Senior Engineering Technician Al Thorp; City Clerk Cathy Sorensen; and Recording Secretary Linda Dahlquist.

Present: 5 - Tom Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst and Councilmember King

Absent: 2 - Councilmember Clark and Councilmember Hovland

4. APPROVAL OF MINUTES

4.-1 [MIN 15-32](#) RECENTLY HELD MEETINGS

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that the Workshop Meeting Public Discussion – Lever Street Minutes of October 8, 2015; the Workshop Meeting Minutes of October 8, 2015; the Workshop Meeting Minutes of October 15, 2015; and the Regular Meeting Minutes of October 15, 2015, be approved.

Motion adopted unanimously.

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

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

5.-1 [PROC 15-06](#) PROCLAIMING NOVEMBER 1, 2015 AS EXTRA MILE DAY AND

RECOGNIZING DR. ALAN GORACKE

Mayor Ryan proclaimed November 1, 2015 as Extra Mile Day and recognized Dr. Alan Goracke for his community service.

Informational: no action required

6. COMMUNICATIONS

Mayor Ryan welcomed the Blaine Health and Wellness Center to the City.

Mayor Ryan announced the grand re-opening of San Jose Mexican restaurant.

Mayor Ryan thanked the Meals on Wheels volunteers for their community service.

Mayor Ryan stated the next Fire Protection Council meeting will be held on December 10, 2015.

Informational; no action required.

7. OPEN FORUM FOR CITIZEN INPUT

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

Randy and Joanna Kolb, 11308 Jefferson Street NE, stated they wanted to recognize and thank the Blaine Police Department for their quick response to two recent medical emergencies at their home.

Brad Sanford, 11826 Palisade Street NE, stated he is running for State Senate District 37.

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

Informational; no action required.

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

Moved on the agenda to follow agenda item 11.4.

10. APPROVAL OF CONSENT AGENDA:

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

Councilmember King removed agenda item 10.1.

Motion adopted unanimously.

- 10.-2 [RES 15-176](#) AUTHORIZE INSTALLATION OF REGULATORY SIGNS FOR PARKING RESTRICTIONS ON BOTH SIDES OF ULYSSES STREET FROM 85TH AVENUE TO WEST CENTRAL AVENUE SERVICE ROAD

Adopted

- 10.-3 [RES 15-177](#) RECEIVE PETITION AND ORDER PUBLIC HEARING FOR VACATION OF DRAINAGE EASEMENT, BALL ROAD ADDITION, VACATION NO. V15-05

Adopted

- 10.-4 [RES 15-178](#) CLARIFYING AUTHORIZATION PURCHASE OF ONE TAX FORFEITED PARCEL IN THE CITY OF BLAINE

Adopted

- 10.-1 [MO 15-131](#) SCHEDULE OF BILLS PAID

Councilmember King inquired about North Valley Inc. and Performance Lawn Care charges. Planning and Community Development Director Schafer replied North Valley did the street overlays in new developments. City Manager Arneson replied Performance Lawn Care is contracted for long grass mowing.

Moved by Councilmember King, seconded by Councilmember Herbst, that Resolution 15-178, Clarifying Authorization of Purchase of One Tax Forfeited Parcel in the City of Blaine," be approved.

Motion adopted unanimously.

11. DEVELOPMENT BUSINESS

- 11.-1 [RES 15-179](#) GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR AN EIGHT (8) FOOT FENCE TO BE PLACED ALONG A COUNTY ROADWAY LOCATED IN AN R-1B (SINGLE FAMILY) ZONING DISTRICT AT 2849 108TH LANE NE. DEB ZURN AND ROLLIN ERICKSON. (CASE FILE NO. 15-0059/EOW)

Planning and Community Development Director Schafer stated the applicant is proposing a fence eight feet in height, constructed of cedar wood, and will run along the rear of their property abutting a wetland area and 109th Avenue NE.

Moved by Councilmember Herbst, seconded by Councilmember Bourke,

Resolution 15-179, "Granting a Conditional Use Permit to Allow for an Eight (8) Foot Fence to be Placed Along a County Roadway Located in an R-1B (Single Family) Zoning District at 2849 108th Lane NE. Deb Zurn and Rollin Erickson," be approved.

Motion adopted unanimously.

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

11.-2 [RES 15-180](#)

GRANTING A WAIVER OF PLATTING TO ADJUST THE LOT LINE BETWEEN 704 AND 708 119TH LANE NE TO ALLOW FOR THE CONSTRUCTION OF A DETACHED GARAGE IN AN R-1 (SINGLE FAMILY) ZONING DISTRICT AT 704 119TH LANE NE. KRISTINA SAHR AND CRAIG MERKEL. (CASE FILE NO. 15-0060/LSJ)

Planning and Community Development Director Schafer stated the applicant's lot line is at an angle making it difficult to build a detached garage in the rear side yard. He stated the new lot line would straighten out the angle for the rear portion of the lot allowing area to building a detached garage.

Moved by Mayor Ryan, seconded by Councilmember Herbst, that Resolution 15-180, "Granting a Waiver of Platting to Adjust the Lot Line between 704 and 708 119th Lane NE to allow for the Construction of a Detached Garage in an R-1 (Single Family) Zoning District at 704 119th Lane NE. Kristina Sahr and Craig Merkel," be approved.

Motion adopted unanimously.

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

11.-3 [RES 15-181](#)

GRANTING FINAL PLAT APPROVAL TO SUBDIVIDE 4.03 ACRES INTO 24 DETACHED SINGLE FAMILY LOTS TO BE KNOWN AS PARKSIDE NORTH 3rd ADDITION, LOCATED AT 122ND AVENUE/WOODLAND PARKWAY. PARKSIDE NORTH LLC. (CASE FILE NO. 15-0041/SLK)

Planning and Community Development Director Schafer stated this is part of the detached townhome development that is on the very southwest corner of the Parkside development. He said it's the area where Fedder Homes will be building the detached townhomes. He said the City Council provided preliminary plat approval and conditional use permit in August and this is the first phase of that. Planning and Community Development Director Schafer said in total this goes 45 lots and this is the first phase of 24 lots. He stated these would be the lots immediately north of Woodland west of the parkway in the area shaded in brown with the cross-hatching. He said this is also the neighbor to the substation right behind it. Planning and Community Development Director Schafer said this is private development meaning streets inside this development are private, the utilities are private, it is an association-maintained development consistent with the preliminary approval the City Council granted in August. He stated it's essentially a combination of lots for the detached townhomes, the outlots in the middle form the basis

for the streets and it's set up exactly like the development of Weston Woods on the old Kate Haven Golf Course; the platting and the way this is being done is identical. Planning and Community Development Director Schafer said this represents very few issues, it's a plat we have expected to come in and the conditions have been identified and are specific to the 24 lots to be platted and is recommended for approval.

Mayor Ryan stated it looked like we are pretty close to having water too on that site. Planning and Community Development Director Schafer said yes we are getting close on Lexington.

Councilmember King inquired north of that land development, north of the red up there close to 125th Avenue. He said he can't remember the gentleman's name that has Farm Residential that abuts up to that property but there was an ongoing easement issue in that area and he thought when this preliminary plat came up he recalled Councilmember Bourke asking when the whole property came up that all easements are taken care of and asked if that is still an ongoing issue. Planning and Community Development Director Schafer said the easements that we responded to in question are the area in blue, the right-of-way for Lever Street up to 125th Avenue. He said the piece that is not part of the plat, therefor not part of the documents you saw because it was off property, is that little wedge right up here that belongs to Mr. Dryman. He said there was a condition of approval in that plat approval that required the developer to obtain that easement from Mr. Dryman prior to the second phase of single family which is the area in blue so we included that in the conditions that this section of easement needs to be put in place prior to the area in blue moving forward.

Councilmember King said so that is separate from this multi-family project that we looking at now. Planning and Community Development Director Schafer said this is separate from the multi-family and was not part of that plat.

Councilmember King said thank you.

Councilmember Herbst stated he will be abstaining from this.

Councilmember Bourke said he wanted to make a quick statement; his concern was this was still part of the entire plat but is separate from the blue and just so we are clear we will move forward on the blue one until that is taken care and said he thinks we have assurances for that, correct. Planning and Community Development Director Schafer said that was a condition of approval that City Council approved so when this comes to you at some point in the future and we talked at the last workshop that would be likely be in February, March or April that's an issue we will need to have resolved by then.

Councilmember Bourke said good and so there should be no reason for it to come forward unless it is taken care of, correct. Planning and Community Development Director Schafer said that's the way he sees it given the condition that the Council approved.

Mayor Ryan asked if there were any other questions or comments. He said if not we had a motion and a second; all those in support signify by saying aye. Motion approved.

Moved by Mayor Ryan, seconded by Councilmember Swanson, that Resolution 15-181, "Granting Final Plat Approval to Subdivide 4.03 Acres into 24 Detached Single Family Lots to be known as Parkside North 3rd Addition located at 122nd Avenue/Woodland Parkway. Parkside North LLC," be approved.

Motion adopted 4-0-1 (Councilmember Herbst abstained).

Aye: 4 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke and Councilmember King

Abstain: 1 - Councilmember Herbst

11.4 [ORD 15-2330](#)

SECOND READING

GRANTING A REZONING FROM R-1 (SINGLE FAMILY) TO DF (DEVELOPMENT FLEX) FOR THE ASPEN GARDENS ASSISTED LIVING DEVELOPMENT AT 9103 LEXINGTON AVENUE NE. ASPEN GARDENS ASSISTED LIVING. (CASE FILE NO. 15-0057/SLK)

Planning and Community Development Director Schafer stated the applicant is proposing to construct an assisted living and memory care facility (Aspen Gardens) on Lexington Avenue. He stated the site is zoned R-1 (Single Family) with LDR (Low Density Residential) land use. He noted the LDR land use does not allow for the proposed density and must be changed to MDR (Medium Density Residential) to accommodate an assisted living facility.

Councilmember Bourke inquired about the amount of units and if there are enough parking spaces. Planning and Community Development Director Schafer replied the facility will have 41 units and that parking will need to be managed by the facility.

David Ficek stated he is working with the church next door on overflow parking. He stated the facility will have 41 units and house up to 45 residents.

Declared by Mayor Ryan, that Ordinance 15-2330, "Granting a Rezoning from R-1 (Single Family) to DF (Development Flex) for the Aspen Gardens Assisted Living Development at 9103 Lexington Avenue NE. Aspen Gardens Assisted Living," be introduced and placed on file for second reading at the November 19, 2015, Council meeting.

8:00 P.M. - PUBLIC HEARING AND ITEMS SET FOR A CERTAIN TIME**9.-1 [MO 15-130](#) APPROVE RENEWAL OF CURRENCY EXCHANGE LICENSES**

Mayor Ryan opened the public hearing at 8:04 p.m.

City Clerk Sorensen stated staff received currency exchange license renewals from the Minnesota Department of Commerce for Al'S Check Cashing and SJB Enterprises Inc. and that Statute requires the City to hold a public hearing to solicit public testimony as part of the renewal process.

Mayor Ryan closed the public hearing at 8:04 p.m. as no one appeared.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that Motion 15-130, "Approve Renewal of Currency Exchange Licenses," be approved.

Motion adopted unanimously.

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

DEVELOPMENT BUSINESS (continued)**11.-5 [ORD 15-2324](#) SECOND READING**

GRANTING A REZONING FROM A (AIRPORT) TO PBD-A (PLANNED BUSINESS DISTRICT-AIRPORT) AT COUNTY ROAD J/93RD LANE EXTENSION. METROPOLITAN AIRPORTS COMMISSION. (CASE FILE NO. 15-0046/BKS)

Planning and Community Development Director Schafer stated MAC has made an application to reguide and rezone 27 acres south of Highway 10 and west of Airport Road (93rd Lane Extension). He stated MAC has approved non-aviation commercial uses for this site and has directed MAC staff market the site.

Moved by Councilmember Swanson, seconded by Councilmember King, that Ordinance 15-2324, "Granting a Rezoning from A (Airport) to PBD-A (Planned Business District-Airport) at County Road J/93rd Lane Extension. Metropolitan Airports Commission," be approved.

Motion adopted unanimously.

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

12. ADMINISTRATION**12.-1 [RES 15-182](#) ADOPT THE 2016 WATER AND SEWER UTILITY ENTERPRISE FUND BUDGETS**

Finance Director Huss reported the Water and Sewer Utility Fund is expected to generate positive net operating income, has a healthy fund reserve, and is expected to have positive operating results for the next two to three years. He stated staff is recommending a rate increase for the sanitary sewer fund for 2016.

Mayor Ryan commented that Aquatore water tower is in need of repainting. Finance Director Huss replied the Aquatore tower painting is included in the five-year budget.

Moved by Councilmember Swanson, seconded by Mayor Ryan, that Resolution 15-182, "Adopt the 2016 Water and Sewer Utility Enterprise Fund Budgets," be approved.

Motion adopted unanimously.

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

12.-2 [MO 15-132](#)

AUTHORIZE CITY MANAGER TO ENTER INTO A CONTRACT WITH BARR ENGINEERING CO. IN A NOT-TO-EXCEED AMOUNT OF \$179,000 IN ACCORDANCE WITH THEIR PROPOSAL DATED SEPTEMBER 28, 2015 FOR THE NORTHEAST WELL FIELD DESIGN - IMPROVEMENT PROJECT NO's. 11-08 & 15-14

Public Services Manager Therres stated staff has asked Barr Engineering Co. to submit a proposal for engineering services for planning and design of the future water supply and treatment system in the northeast area which includes a plan for future water system infrastructure, well layout locations and sitting details, well 18 and 19 drilling, piping and temporary treatment system, and connection to the existing system.

Councilmember Herbst asked for the Well 18 pump rate. Public Services Manager Therres replied Well 18 pump rate will range between 1,000-2,500 gallons per minute.

Moved by Mayor Ryan, seconded by Councilmember Herbst, that Motion 15-132, "Authorize City Manager to enter into a Contract with Barr Engineering Co. in a Not-to-Exceed Amount of \$179,000 in Accordance with Their Proposal Dated September 28, 2015 for the Northeast Well Field Design," be approved.

Motion adopted unanimously.

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

12.-3 [MO 15-133](#)

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH SPRINGSTED INDEPENDENT MUNICIPAL ADVISORS FOR THE PURPOSE OF CONDUCTING A POSITION CLASSIFICATION AND COMPENSATION STUDY

City Manager Arneson stated Minnesota law requires cities to do classification studies for local pay equity for municipal governments. He said

we haven't done this since 2001 and feels it's time to do it. City Manager Arneson said what this really does is an internal review of our pay structure, not necessarily the individuals and what they are doing in this proposal but to review like type of work for male and female employees. He stated we have had this plan since 2001 and have had numerous modifications and is time to review this. He noted the City Council budgeted \$30,000 for this in the 2015 budget and we sent six RFPs. City Manager Arneson said there are very few firms that do this type of work and we received two, the lower proposal we are not recommending, the primary reason is with the exception of one city all their work has been done in greater Minnesota and after reviewing the list Springsted has had extensive and greater representation of cities similar to our size and of job classifications.

Mayor Ryan asked when was the last time we did this. City Manager Arneson said 2001.

Councilmember Bourke asked if the study is mandated and said we don't have a choice. City Manager Arneson said you don't have a choice to comply with this law but you do have a choice on whether to do the study or not. He said you don't have to do a study.

Councilmember Bourke said the two aren't tied together. City Manager Arneson said no but at the end of the year we do have to report to the State of Minnesota as required every three years and the last time we did this we barely passed so that's why he's recommending this review. He said we do have to comply with State law but not on the study but is recommending it.

Councilmember Bourke said he understands that but said that is not the only option we have. City Manager Arneson said the other option is the existing job classification plan as we have today and then we file our year-end report on pay equity and hopefully we pass. He said if we don't there will be ramifications and we will come back and deal with it.

Councilmember Bourke said if we decide to go with this and this study sets parameters that are different than we've been following they come back with a plan. City Manager Arneson said they evaluate our positions, not employees but positions by picking one throughout the City and look at what that position does and compare it throughout the organization within the organization of male and female. He said this not about what I or anyone else makes its about that comparable pay within the organization.

Councilmember Bourke said the mandate is for the individual pay structure not for the position. City Manager Arneson said its mandated that we comply and positions are paid comparable so basically if a male and female are doing similar work, which is where this really came from, they get paid the same.

Mayor Ryan said this came about in the mid-1990s. City Manager Arneson said he believes it came from a teachers' area in the early 1990s.

Councilmember Swanson said this doesn't just apply to cities as when he was at MnDOT they had to go through the same thing internally and adjust pay grades in certain positions for balance.

Mayor Ryan said the first year we had to comply we had to do a lot of juggling to figure out how to get into conformance but we did it.

Councilmember King so we do have a current system, correct, and this is a proposal to reevaluate our current system. City Manager Arneson said this is to re-evaluate our current system and migrate, if we go with Springsted, to a different system called the SAFE system.

Councilmember King said as far as reporting goes and information sent from the League of Minnesota Cities we've been doing the reporting ourselves every three years per employee or per job. City Manager Arneson said per job classification.

Councilmember King said he is just curious and asked if our current HR staff is not capable of doing this self-evaluation. City Manager Arneson said no, this is a specialty and would recommend an outside consultant to actually do it. He said we are fully capable of reporting results but as far as creating a job classification and doing the positions he would recommend an outside firm. He said they have done it on an individual basis if he asks them to review a position but this is a much larger step.

Councilmember King said while we barely passed we did pass. City Manager Arneson said yes we did pass.

Councilmember King said he's going to not recommend doing this and will not be supportive of it.

Councilmember Herbst said he also has a problem with it; number one it is not going to the low bidder and he thinks we can just see where this is going to end up. He noted we did pass.

Mayor Ryan said he doesn't remember the penalty used to be withhold LGA but we don't get any anyway. City Manager Arneson said there still is that and we get \$28,000 in LGA so they could do that or if find they find us in non-compliance it could be \$100 per day.

Swanson I think we should pass this given that quite frankly if we barely passed last time if we don't make a major effort to show good faith, and I have with these people in the State, when they come back they will assume we

are not making a good faith effort and I think the chances of being hit are a lot bigger and quite frankly one of the things that come out is that these classes should be reallocated because you have to get pay equity for male and female classes.

Councilmember Bourke said just so he's clear we are following the guidelines that are forth in the mandates and we are already doing that, correct. City Manager Arneson said we are following state law.

Councilmember Bourke said he wants to make sure we are doing what we are supposed to be doing but doesn't want to have to reclassify all of our employees because of a recommendation from an outside agency. He said if it's already set forth why are we changing it.

Mayor Ryan said because that's the law.

Councilmember Bourke said he's not clear on that then.

City Manager Arneson said the simple answer is to make sure we stay in compliance with State law.

Mayor Ryan said this was classed in 1995 as State law.

Councilmember King said if you look at part of what you sent out from the League of Minnesota Cities if you are found to be in non-compliance there is essentially a period from which they notify you, a period of time from which you can essentially disagree or come into compliance and maybe is there a chance they find us not in compliance and we either disagree or we say okay we hire this firm and make changes and move towards compliance.

City Manager Arneson said that would certainly be the argument, we would find out if we are out of compliance, tell them we will do the study and get into compliance.

Councilmember King said that would be his recommendation if we get to that step then we bring in that outside organization at that time.

Councilmember Herbst said he agreed.

Councilmember Swanson requested a roll call vote.

Mayor Ryan said he supports this, we started this, and we didn't like it when we got it but it is State law.

Councilmember Swanson said it will be a lot easier up front rather than later.

Councilmember Herbst said it is not a State law to hire an outside firm to do

this and if we fall out of compliance we can disagree with the agency and then bring ourselves into compliance at that time. He said he is not going to support it as it's \$22,465. He said he also read this Laumeyer Human Resource Solutions out of Duluth seems like a good firm too and they were the low bidder and that Springsted was \$22,465 and Laumeyer was \$21,500 so he is not going to support it.

Mayor Ryan noted we are short a couple people tonight.

Councilmember Swanson asked if Councilmember Herbst would support it if we went with the low bidder. Councilmember Herbst said no because he doesn't think we need it at this time but it would have made it much easier for him.

Moved by Councilmember Swanson, seconded by Mayor Ryan, that Motion 15-133, "Authorization to enter into an Agreement with Springsted Independent Municipal Advisors for the Purpose of Conducting a Position Classification and Compensation Study," be approved.

Mayor Ryan asked the Clerk to please call the roll:

**Councilmember Bourke - No
Councilmember Herbst - No
Councilmember King - No
Councilmember Swanson - Yes
Mayor Ryan - Yes**

Mayor Ryan noted the motion failed 3-2.

Aye: 2 - Mayor Ryan and Councilmember Swanson

Nay: 3 - Councilmember Bourke, Councilmember Herbst and Councilmember King

13. OTHER BUSINESS

Mayor Ryan stated a Met Council Transportation Committee meeting will be held on November 9, 2015 at 4:00 p.m. at City Hall.

Informational; no action required.

14. ADJOURNMENT

Moved by Councilmember Herbst, seconded by Councilmember Bourke, to adjourn the meeting at 8:28 p.m.

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