

UNAPPROVED

**CITY OF BLAINE
ANOKA COUNTY, MINNESOTA
CITY COUNCIL MEETING
Wednesday, September 4, 2019**

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

CALL TO ORDER BY MAYOR RYAN

The meeting was called to order at 7:30 p.m. by Mayor Ryan followed by the Pledge of Allegiance and the Roll Call.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ABSENT: None.

Quorum Present.

ALSO PRESENT: Acting City Manager Joe Huss; Community Development Director Erik Thorvig; City Planner Lori Johnson; Public Works Director Jon Haukaas; Public Services Manager/Assistant City Manager Bob Therres; City Engineer Dan Schluender; Senior Engineering Technician Al Thorp; Communications Technician Roark Haver; Community Standards Director Bob Fiske; and City Clerk Catherine Sorensen.

APPROVAL OF MINUTES

Workshop Meeting – August 19, 2019

Regular Meeting – August 19, 2019

Moved by Councilmember Swanson, seconded by Councilmember Hovland, that the Minutes of Workshop Meeting of August 19, 2019, and the Minutes of the Regular Meeting of August 19, 2019 be approved.

Motion adopted. Councilmember Jeppson abstained on the August 19, 2019 Workshop and Council meeting minutes due to her absence.

AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

5.1 Proclamation – Women’s Suffrage Ratification Centennial Day

Mayor Ryan read a proclamation in full for the record declaring Sunday, September 8, 2019 as Women’s Suffrage Ratification Centennial Day in the City of Blaine.

COMMUNICATIONS

None.

OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:34 p.m.

There being no input, Mayor Ryan closed the Open Forum at 7:34 p.m.

ADOPTION OF AGENDA

The agenda was adopted as amended postponing action on Consent Agenda Item 9.1.

APPROVAL OF CONSENT AGENDA

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

9.1 — Motion 19-156, Amend the Contract with Barr Engineering Company to Update the City's Water System Plan, Improvement Project No. 17-04.

9.2 Motion 19-157, Consider Special Events License for the 2020 Joyful Noise Family Fest located at the National Sports Center, 1700 107th Avenue NE.

9.3 Motion 19-158, Accept Donation to Mary Ann Young Senior Center.

9.4 Motion 19-159, Accept the Proposal from Bituminous Roadways for Asphalt Replacement at the Blaine Miracle League Field in the Amount of \$72,095.

Motion adopted unanimously.

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

None.

DEVELOPMENT BUSINESS

11.1 Second Reading – Ordinance No. 19-2434, Granting a Rezoning from B-1 (Neighborhood Business) and DF (Development Flex) to PBD (Planned Business District) for Approximately 2.32 Acres located at 12475 Lexington Avenue NE. Royal Lakes Retail Center (Classic Construction, Inc.) (Case File No. 19-0032/SLK).

Moved by Mayor Ryan, seconded by Councilmember Garvais, that Ordinance No. 19-2434, "Granting a Rezoning from B-1 (Neighborhood Business) and DF (Development Flex) to PBD (Planned Business District) for Approximately 2.32 Acres located at 12475 Lexington Avenue NE," be approved.

City Planner Johnson stated the applicant is proposing to construct a multi-tenant building on the southeast corner of Lexington Avenue and 125th Avenue. The site is zoned B-1 (Neighborhood Business)/ DF (Development Flex) and will need to be rezoned to PBD (Planned Business District) to allow a retail building

with a conditional use permit. The site is guided in the comprehensive plan as CC (Community Commercial)/PC (Planned Commercial)/HDR (High Density Residential). The proposed PBD is the correct zoning to implement the CC/ PC land use and a conditional use permit is required for the intended uses.

Councilmember Garvais requested further information regarding the access point on 125th Avenue. He questioned if there was a plan to have a dedicated turn lane into the proposed retail center. City Engineer Schluender discussed the plans the County had for 125th Avenue. It was noted a right turn lane would be dedicated for access into the retail center.

Councilmember Hovland asked if the trees that would be removed could be relocated and suggested the City consider this in the future. Ms. Johnson commented this could be recommended to the developer as an option to save the trees.

Motion adopted unanimously.

11.2 Resolution No. 19-133, Granting Preliminary Plat Approval to Re-Plat Two (2) Existing Parcels into One Parcel to be known as Royal Lakes Retail Center located at 12475 Lexington Avenue NE. Classic Construction. (Case File No. 19-0032/SLK).

Moved by Councilmember Swanson, seconded by Councilmember Hovland, that Resolution No. 19-133, "Granting Preliminary Plat Approval to Re-Plat Two (2) Existing Parcels into One Parcel to be known as Royal Lakes Retail Center located at 12475 Lexington Avenue NE," be approved.

Ms. Johnson stated a preliminary plat is included as a part of the application to combine the two existing parcels into one lot to be known as Royal Lakes Retail Center.

Mayor Ryan said he hoped the retail center would be a tremendous success.

Motion adopted unanimously.

11.3 Resolution No. 19-134, Granting a Conditional Use Permit to Construct a 11,284 Square Foot Multi-Tenant Retail Building that would Permit 7,000 Square Feet of Restaurant Space and 4,300 Square Feet of General Retail Space in a PBD (Planned Business District) Zoning District located at 12475 Lexington Avenue NE. Royal Lakes Retail Center (Classic Construction). (Case File No. 19-0032/SLK).

Moved by Councilmember Jeppson, seconded by Councilmember Hovland, that Resolution No. 19-134, "Granting a Conditional Use Permit to Construct a 11,284 Square Foot Multi-Tenant Retail Building that would Permit 7,000 Square Feet of Restaurant Space and 4,300 Square Feet of General Retail Space in a PBD (Planned Business District) Zoning District located at 12475 Lexington Avenue NE," be approved.

Ms. Johnson requested the Council adopt a Conditional Use Permit for the proposed retail building is an 11,284 square foot building. All setbacks have been met for this site. Site access will consist of a right-in/right-out on 125th Avenue and a full access off of Fraizer Street. The existing right in/right out on Lexington Avenue will be removed as a part of the development of this parcel. Anoka County Highway Department is requiring an additional 10' of permanent roadway easement plus 5' of permanent utility, drainage, slope, and trail easement adjacent to 125th Avenue.

Motion adopted unanimously.

11.4 Resolution No. 19-135, Granting a Conditional Use Permit to Allow Construction of a 14,013 Square Foot Office Building in a PBD (Planned Business District) Zoning District located at 11820 Ulysses Street NE. North Central Plaza (Nottingham Construction). (Case File No. 19-0020/EES).

Moved by Councilmember Hovland, seconded by Mayor Ryan, that Resolution No. 19-135, “Granting a Conditional Use Permit to Allow Construction of a 14,013 Square Foot Office Building in a PBD (Planned Business District) Zoning District located at 11820 Ulysses Street NE,” be approved.

Ms. Johnson stated in 2007, the City Council approved a preliminary plat for a six-lot development on the west side of Ulysses Street and north of 117th Avenue. The plat included four residential lots on a cul-de-sac at the end of 118th Lane and two commercial lots. At the time, one was proposed to be for childcare with a tenant space, and the other was a multitenant medical/office building. The commercial properties were rezoned to PBD, similar to the other properties along Ulysses Street. Conditional use permits were approved for both commercial buildings, although the medical/office building was never constructed. At this time, the applicant is proposing a multi-tenant office building on the southern commercial lot. The original conditional use permit expired and some minor modifications have been made to the site plan for that site, therefore the applicant is requesting a new conditional use permit for an office building, as required by the PBD zoning.

Motion adopted unanimously.

11.5 Resolution No. 19-136, Granting Final Plat Approval to Subdivide 46.02 Acres into Two (2) Lots and One (1) Outlot to be known as Sunset Ponds 3rd Addition at 11943 Lever Street NE. Development Consulting Services. (Case File No. 18-0067/SLK).

Moved by Councilmember Hovland, seconded by Councilmember Robertson, that Resolution No. 19-136, “Granting Final Plat Approval to Subdivide 46.02 Acres into Two (2) Lots and One (1) Outlot to be known as Sunset Ponds 3rd Addition at 11943 Lever Street NE,” be approved.

Ms. Johnson stated currently, the applicant owns a 46.02-acre parcel located on 11943 Lever Court NE in eastern Blaine. This area is part of the Northeast Planning Area and is located inside the Metropolitan Urban Service Area (MUSA). The final plat is intended to meet the intent and future design standards of the City of Blaine's Northeast Area Plan Amendment. The applicant is proposing to subdivide the parcel to create two lots and one outlot. Lot 1 will be for the existing home, Lot 2 is for a single-family home, and the outlot is for possible future development. Outlot A could possibly be subdivided into urban lots in the future, from the west through the Woodland Village development. However, the outlot would need to be re-platted because building permits are not issued for structures on an outlot.

Motion adopted unanimously.

11.6 Resolution No. 19-137, Granting a Conditional Use Permit Amendment to Allow for the Construction of a 36,202 Square Foot Building in an I-2A (Heavy Industrial) Zoning District located at 3051 82nd Lane NE. Midwest Diesel Addition (Stone Construction). (Case File No. 19-0034/LSJ).

Moved by Mayor Ryan, seconded by Councilmember Paul, that Resolution No. 19-137, “Granting a Conditional Use Permit Amendment to Allow for the Construction of a 36,202 Square Foot Building in an I-2A (Heavy Industrial) Zoning District located at 3051 82nd Lane NE,” be approved.

Ms. Johnson stated Midwest Diesel, located at 8284 West I-35W Service Road, is proposing to construct a new building to the south of their existing building at 3051 82nd Lane. Please note, they also occupy 8284

West I-35W Service Road and the two sites share a parking area and outside storage area. In 2012, Midwest Diesel constructed the existing building to use for the truck sales and service portion of this use, and a conditional use permit was issued at the time for this use and for outside storage of trucks and sea land trailers. Included in the conditional use permit was a zero lot line and shared access with the two adjacent sites (the other Midwest Diesel site and Bauer Built). Midwest Diesel will be the only tenant in this building. Because this use is expanding on the site, an amendment is required to original conditional use permit for this site. The address for the new building will be 3043-82nd Lane. Staff did not bring this request to the Planning Commission due to the fact that this was simple amendment to a previous conditional use permit. The adjacent neighborhood was notified of this meeting.

Mayor Ryan stated it would be nice for the City Council to tour Midwest Diesel once the expansion was complete.

Motion adopted unanimously.

ADMINISTRATION

12.1 First Reading – Ordinance No. 19-2435, Amending Chapter 18 – Buildings and Building Regulations Article VIII. – Residential Maintenance Code and Article X. – Licenses for Rental Dwellings, Reasonable Accommodations for Sober Living Homes, of the Code of Ordinances of the City of Blaine.

City Clerk Sorensen stated the Council has been reviewing a proposed reasonable accommodation ordinance that would create the process for a private provider to operate a single-family home as a multi-person sober living home consistent with the Fair Housing Amendment Act. The Act directs that individuals recovering from addiction are federally protected as a disability group and therefore should receive reasonable accommodations from cities for their lodging and addiction support. Blaine, like several other cities, defines "family" in City Code as not more than four (4) unrelated individuals; sober living home providers are requesting the ability to have more than four unrelated individuals in a home. As the Act requires cities to provide a process for these requests staff has drafted a proposed code amendment to the Rental Licensing program that would establish an application process with neighborhood notice and action by the City Council. Each license request would be evaluated based on outlined criteria and include written notice of a public hearing to all property owners within 350 feet of the property.

Declared by Mayor Ryan that Ordinance No. 19-2435, "Amending Chapter 18 – Buildings and Building Regulations Article VIII. – Residential Maintenance Code and Article X. – Licenses for Rental Dwellings, Reasonable Accommodations for Sober Living Homes, of the Code of Ordinances of the City of Blaine," be introduced and placed on file for second reading at the September 16, 2019 Council meeting.

12.2 Motion 19-160, Approve Change Order No. 1 in the Amount of \$140,603.78 for the Clover Leaf Parkway Area Street Reconstructions, Improvement Project No. 18-18.

Moved by Mayor Ryan, seconded by Councilmember Hovland, that Motion 19-160, "Approve Change Order No. 1 in the Amount of \$140,603.78 for the Clover Leaf Parkway Area Street Reconstructions," be approved.

Mr. Schluender stated on May 20, 2019, a contract was awarded to Park Construction Company in the amount of \$1,739,483.85 for the Clover Leaf Parkway Area Street Reconstructions. During the project design and bidding phase it was not yet determined what the final layout of Central Avenue in Aquatore Park would be. As a result, reconstruction of only the northern 500 feet of Central Avenue was included in the construction plans. With the completion of the Mary Ann Young Center plans and draft Master Parks Plan,

it is now proposed to reconstruct an additional 750 feet of Central Avenue with the Clover Leaf Parkway Area Street Reconstructions Project. Change Order No. 1 in the amount of \$140,603.78 is for the reconstruction of this additional 750 feet of roadway on the south end of Central Avenue in Aquatone Park.

Motion adopted unanimously.

12.3 Resolution 19-138, Sale of Wetland Credits to City of Dayton.

Moved by Councilmember Swanson, seconded by Councilmember Jeppson, that Resolution 19-138, "Sale of Wetland Credits to City of Dayton," be approved.

Mr. Schluender stated the City of Dayton is planning to construct a new roadway (Dayton Parkway) and an interchange on Interstate Highway 94 from Brockton Lane east across Interstate Highway 94 to 113th Avenue North. This project will have wetland impacts that will need to be mitigated requiring the need to purchase credits from a wetland bank. The city of Dayton has approached the City inquiring about available credits from the City's wetland bank. The city of Dayton is interested in purchasing 1.221 acres of wetland credits from the City's wetland bank at a price of \$2.50 per square foot. This would equate to a total purchase price of \$132,967.50. The City's wetland bank currently has about 11 acres of credits available with an additional 12 acres slated to be approved in the next few months.

Mayor Ryan questioned how the wetland credits were advertised. Public Works Director Haukaas reported the Board of Water, Soils Resources maintains a database of approved credits by county.

Motion adopted unanimously.

12.4 Motion 19-161, Authorize Director of Public Works to Permit Extended Work Hours for Construction of Water Treatment Plant No. 4, Improvement Project No. 16-08.

Moved by Mayor Ryan, seconded by Councilmember Paul, that Motion 19-161, "Authorize Director of Public Works to Permit Extended Work Hours for Construction of Water Treatment Plant No. 4," be approved.

Mr. Schluender stated Gridor Construction Inc., the contractor for Water Treatment Plant No. 4, has requested permission to occasionally be able to work outside of the permitted 7:00 AM to 9:00 PM, Monday through Saturday work hours. Generally, the request would be to start earlier in the morning on certain times where large concrete pours will be done, but there may be other circumstances where extended work hours are necessary. Gridor is not requesting to work on Sundays and has stated the request for extended hours will be infrequent and made only when absolutely necessary. The extended work hours would be requested by Gridor on an as needed basis and be subject to approval by the Director of Public Works if the extended hours are deemed necessary and justified. Staff would require that Gridor notify the City of Blaine at least 48 hours prior to the beginning of the proposed extended work hours so that notification could be given to the adjacent resident.

Councilmember Robertson asked if the extended hours would be daily or intermittent. Mr. Haukaas stated the times would be intermittent for three or four extended days to complete the long concrete pours.

Motion adopted unanimously.

OTHER BUSINESS

Councilmember Swanson encouraged residents who receive a letter regarding 5G service to contact City Hall for more information.

ADJOURNMENT

Moved by Councilmember Hovland, seconded by Councilmember Garvais, to adjourn the meeting at 8:09 p.m.

Tom Ryan, Mayor

ATTEST:

Catherine Sorensen, CMC, City Clerk
Submitted by TimeSaver Off Site Secretarial, Inc.