



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

10801 Town Square Dr.
Blaine MN 55449

Thursday, February 2, 2012

7:30 PM

Council Chambers

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.

A quorum was present.

ALSO PRESENT: Clark Arneson, City Manager; Bryan Schafer, Community Development Director; Bob Therres, Public Services Manager; Joe Huss, Finance Director; Jean Keely, City Engineer; 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, Mayor Pro Tem Kolb and Councilmember Herbst

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES

4.1 [MIN 12-05](#)

WORKSHOP MEETING - 1/12/12
WORKSHOP MEETING - 1/19/12
REGULAR MEETING - 1/19/12

Sponsors: Cross

Attachments: [Workshop Minutes 1/12/12](#)
[Workshop Minutes 1/19/12](#)
[Regular Minutes 1/19/12](#)

Moved by Councilmember Herbst, seconded by Councilmember Swanson, that the Minutes be Approved. The motion passed by the following vote:

Aye: 6 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Councilmember Bourke and Mayor Pro Tem Kolb

Abstain: 1 - Councilmember Herbst

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

5.1 [PROC 12-01](#)

PROCLAIMING FEBRUARY 7 - 14, 2012 CONGENITAL HEART DEFECT AWARENESS WEEK

Sponsors: City Council

Mayor Ryan proclaimed the week of February 7-14, 2012 as Congenital Heart Defect Awareness Week.

6. **COMMUNICATIONS**

Mayor Ryan congratulated Randy Helms who is retiring after 36 years of service with the City of Blaine.

7. **OPEN FORUM FOR CITIZEN INPUT**

Mayor Ryan opened the open forum at 7:34 p.m.

Coral Stewart, 10750 Stutz Street NE, stated she lives in an R-1 zoning district. She stated she needs a steel roof based on the style of her home. She asked Council to reconsider needing a CUP for approval of a standing seam metal roof in an R-1 district. She stated a CUP has an additional cost of \$400. She stated that she has signatures from her neighbors about steel roofs.

Mayor Ryan stated the regulations will have to go before the Planning Commission.

Councilmember Bourke stated that her main concern was the cost. He stated that he would like all options brought forward when this item comes before Council. He stated that the \$400 is a considerable cost especially when we don't charge for other roofing materials.

There being no further input, Mayor Ryan closed the open forum at 7:41 p.m.

8. **ADOPTION OF AGENDA**

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 12-008](#)

SCHEDULE OF BILLS PAID

Sponsors: Huss

Attachments: [1/10/12 Bills Paid](#)
 [1/13/12 Bills Paid](#)
 [1/20/12 Bills Paid](#)

Approved unanimously by Consent Vote.

10.2 [MO 12-009](#)

APPROVE THE RENEWAL OF A TOBACCO AND TOBACCO PRODUCTS LICENSE FOR NEIGHBORHOOD DOLLAR PLUS GROCERY, 10835 UNIVERSITY AVENEUE NE, BLAINE.

Sponsors: Cross

Approved unanimously by Consent Vote.

10.3 [MO 12-010](#)

AUTHORIZING PAYMENT IN THE AMOUNT OF \$35,726.00, PLUS 6.875% STATE OF MN SALES TAX OF \$2,456.17, TOTALING \$38,182.17, TO SOFTWARE HOUSE INTERNATIONAL, FOR MICROSOFT ENTERPRISE AGREEMENT ANNUAL LICENSING RENEWAL.

Sponsors: Peters

Approved unanimously by Consent Vote.

10.4 [MO 12-011](#)

OXYGEN EQUIPMENT AND REGULATORS REPLACEMENT AND UPGRADE

Approved unanimously by Consent Vote.

10.5 [MO 12-012](#)

APPROVE AN AMUSEMENT DEVICE LICENSE FOR THE SCHWAN ICE ARENA, 1700 105TH AVENUE NE, BLAINE MN.

Sponsors: Cross

Councilmember Kolb stated she does not support this item. She stated there are so many businesses that have these devices that bring in a fair amount of money and this facility does not contribute taxes to the City.

Councilmember Herbst agreed with Councilmember Kolb.

Mayor Ryan confirmed the devices have been in the facility for years. City Clerk Cross replied the City discovered the devices and the City requested the facility to license the devices or remove the devices. She stated the devices belong to a vendor and the facility receives a portion of the proceeds.

Councilmember Clark clarified the facility had the devices for years, but have never applied for a license. City Clerk Cross replied that is correct and that the devices belong to a vendor and the facility receives a commission.

Councilmember Kolb stated all vendors in the City of Blaine have to be licensed. She repeated she does not support this item.

Councilmember Herbst stated he does not support this item. He stated the facility does not pay taxes on the property and the road is going to need work.

Councilmember Clark asked if it is the responsibility of the vendor or the establishment to secure the license.

City Clerk Cross replied the establishment needs to apply for the license.

Councilmember Clark confirmed that the City had not granted the facility a device license before. City Clerk Cross replied that is correct.

Councilmember Bourke asked about the criteria to get a device license. City Clerk Cross stated the establishment applies and the City tells them what they need to do.

Councilmember Clark asked if vending machines are licensed. City Clerk Cross stated vending machines are not licensed.

Approved

Councilmember asked that this item be tabled until a representative from the Schwan's Ice Arena could speak to Council.

Moved by Mayor Pro Tem Kolb, seconded by Councilmember Herbst, that this Motion be Tabled to the March 15, 2012 Council meeting. The Motion was adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Councilmember Bourke, Mayor Pro Tem Kolb and Councilmember Herbst

11. DEVELOPMENT BUSINESS

11.1 [RES 12-013](#)

CONDITIONAL USE PERMIT TO OPERATE AN INDOOR AUTO SHOWROOM FOR UP TO FIVE (5) VEHICLES PER SECTION 31.04(k) OF THE ZONING ORDINANCE FAMILY AUTO DEALER, LLC 1550 91st AVENUE NE, SUITE 103 CASE FILE NO. 11-0032

Sponsors: Schafer

Attachments: [Attachments.pdf](#)
[Public Comment.pdf](#)

Planning and Community Development Director Schafer stated in October 2011, the Family Auto Care and Transmission applied and received a Conditional Use Permit (CUP) to store two to four vehicles outside of their tenant space. He stated after the approval of the CUP, the applicant approached City staff to determine if they could also have an indoor vehicle show room in their tenant space. He stated the applicant wishes to have one to five vehicles inside the tenant space to sell. He stated Family Auto Care and Transmission will obtain a dealer's license and the City will sign off on the license with the provisions of the Conditional Use Permit attached to the license.

Councilmember Clark asked what kind of cars Family Auto Care and Transmission will be selling. Planning and Community Development Director Schafer replied it is not stated.

Binh Ho, 1550 91st Avenue NE, Suite 103, stated he is the owner of Family Auto Care and Transmission and the cars on display will be used rental return cars that are worth \$10,000 or less and under warranty.

Councilmember Clark asked about the Family Auto Care and Transmission's customer base. Mr. Ho replied customers that use his repair service want to purchase used vehicles from them as well.

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

Aye: 7 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Councilmember Bourke, Mayor Pro Tem Kolb and Councilmember Herbst

RES 12-014

**CONDITIONAL USE PERMIT TO ALLOW FOR A CAR
RENTAL BUSINESS IN A B-2 (COMMUNITY
COMMERCIAL) ZONING DISTRICT
PER SECTION 31.14(y) OF THE ZONING ORDINANCE
10600 CENTRAL AVENUE NE, SUITE E
ENTERPRISE RENT-A-CAR
CASE FILE NO. 11-0047**

Sponsors: Schafer

Attachments: [Attachments.pdf](#)

Rick Meidlik, a representative from Enterprise, stated the store will be associated with Gale's Auto Body and service Blaine residents.

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

Aye: 7 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Councilmember Bourke, Mayor Pro Tem Kolb and Councilmember Herbst

The Applicant, Hans Hagen Homes, is Requesting the Following at Lakes Parkway/Petersburg Court:

11.3 A **RES 12-015**

**CASE FILE NO. 11-0046 // HANS HAGEN HOMES //
LAKES PARKWAY/PETERSBURG COURT**

**PRELIMINARY PLAT APPROVAL TO SUBDIVIDE 6.52
ACRES INTO NINE (9) LOTS AND TWO (2) OUTLOTS TO
BE KNOWN AS THE LAKES OF RADISSON 49th
ADDITION**

Sponsors: Schafer

Attachments: [Location Map.pdf](#)
[Final Plat.pdf](#)

Planning and Community Development Director Schafer stated the Council has two items to consider for the Hans Hagen Homes development. He stated The Lakes of Radisson 49th Addition proposal consists of subdividing approximately 6.52 acres into a subdivision of 9 single family homes. The preliminary plat includes two outlots for drainage and utility purposes.

Councilmember Bourke asked about the parcel that is sandwiched between the park and the development. Planning and Community Development Director Schafer replied that is Outlot A.

Councilmember Kolb asked if there will be any alteration of the wetland area. Planning and Community Development Director Schafer replied there is a small alteration of the wetland that is 1/10 of an acre in order to provide a backyard for one lot and road access. He stated watershed requirements have been met.

Councilmember Kolb asked if this parcel was a planned development. Planning and Community Development Director Schafer replied this development was planned in 2003. He stated the land was graded in 2005 in anticipation of development.

Councilmember Kolb stated she agrees with the residents about not building in this area.

Councilmember Clark asked if there was money in the Open Space Fund for the City to buy the land. City Manager Arneson stated the balance in the Open Space Fund is \$605,000.

Councilmember Kolb asked if this parcel was considered as open space. Planning and Community Development Director Schafer replied this land was not intended to be open space.

Councilmember Swanson stated he is concerned about the Council buying land for open space.

Councilmember Clark stated the City is not in a position to buy land to keep as open space. He stated these are different builders that purchased the land and they have the right to build on it.

Councilmember Bourke asked about Outlot A, he would like to see this lot dedicated to the City under park dedication. Planning and Community Development Director Schafer replied Outlot A would be the City's storm pond and wet land.

Councilmember Swanson asked what type of housing was originally approved for this development. Planning and Community Development Director Schafer replied originally detached townhomes. He stated these homes will be single family homes.

Councilmember Herbst stated developments are designed years before residents move in.

Councilmember Kolb stated she was seeking clarification for the residents.

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

Aye: 7 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Councilmember Bourke, Mayor Pro Tem Kolb and Councilmember Herbst

11.3 B [RES 12-016](#)

**CASE FILE NO. 11-0046 // HANS HAGEN HOMES //
LAKES PARKWAY/PETERSBURG COURT**

**CONDITIONAL USE PERMIT TO ALLOW FOR
CONSTRUCTION OF NINE (9) SINGLE FAMILY HOMES IN
A DF (DEVELOPMENT FLEX) ZONING DISTRICT**

Sponsors: Schafer

Attachments: [Attachments.pdf](#)
[Attachments - Public Comments.pdf](#)

Planning and Community Development Director Schafer stated this second item is for a Conditional Use Permit which sets the zoning standards. He stated Hans Hagen will have four to five models and the home sizes will be tailored to fit the lots.

Councilmember Swanson asked about the available lot supply in the City. Planning and Community Development Director Schafer replied the City's lot supply is down to 430 developments. He stated it is expected that land development will increase in 2012 with smaller plat requests of 9-15 lots.

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

Aye: 7 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Councilmember Bourke, Mayor Pro Tem Kolb and Councilmember Herbst

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

The following proposed ordinance is scheduled for a Public Hearing and First Reading

9.1 [ORD 12-2239](#)

**PROPOSED CHARTER AMENDMENTS - ORDINANCE
NO. 12-2239, AN ORDINANCE AMENDING CHAPTER 2,
FORM OF GOVERNMENT, SEC. 2.03 ELECTIVE
OFFICES, AND SEC. 2.03(A), DISTRICTS, AND CHAPTER
4, NOMINATIONS AND ELECTIONS, SEC. 4.06,
CANDIDATE FOR OFFICE**

Sponsors: Cross

Attachments: [Ord. No. 12-2239 Charter Amendments](#)

Mayor Ryan opened the public hearing at 8:15 pm.

City Clerk Cross stated there are two proposed Charter amendments for Council's consideration. She stated the first proposal is a housekeeping amendment that

would change the word "district" to "ward" throughout the Charter to make the election language portion consistent with the Secretary of State's records, Legislature, Anoka County and other Anoka County cities, and other metro cities. She stated the proposal would make Sec. 2.03 and 2.03(a) of the Blaine City Charter consistent with the language used on all election forms used at the county and state level. She stated all election forms used throughout the state refer to wards and precincts. She stated it will also make the Charter language consistent with the election management system that is being implemented throughout Anoka County in 2012.

City Clerk Cross stated the second proposal would require all write-in candidates for City Council to file a written request to compile their write-in votes. She stated a candidate who wants write-in votes to be counted in the general election would have to file a written request with the City Clerk's office no later than seven days before the general election. She stated all other write-in votes cast for City Council candidates who have not filed a written request would be treated collectively as votes for a single candidate. She stated any City Council candidate who sincerely wants their votes counted only has to register (no fee required) with the City Clerk's office seven days before the General Election and their votes will be tallied by the election judges.

Mayor Ryan asked when this item will come back for the Council's vote. City Clerk Cross replied this item will come back to the Council on March 15.

Mayor Ryan closed public hearing at 8:20 p.m.

Councilmember Clark stated Anoka County is broken into districts, he asked if they will become wards. City Clerk Cross replied there is a difference between districts, precincts and wards. She stated sections of cities are referred to wards. She stated the counties have different jurisdictions.

Councilmember Clark stated he is undecided on the change from district to ward.

Councilmember Herbst asked Councilmember Clark why he is undecided. Councilmember Clark replied his concern is with the meaning of the word "ward." He stated wards are used in urban settings like Minneapolis.

Councilmember Swanson asked if the Council vote passes four to three, does it go to a ballot. City Attorney Sweeney replied that is correct.

City Clerk Cross stated even small cities use the word "ward."

Declared by Mayor Ryan that Ordinance No. 12-2239, "An Ordinance Amending Chapter 2, Form of Government, Sec. 2.03 Elective Offices, and Sec. 2.03(A), Districts, and Chapter 4, Nominations and Election, Sec. 4.06, Candidate for Office" be introduced and placed on file for second reading.

12. ADMINISTRATION

12.1 [MO 12-013](#)

MAYORAL APPOINTMENTS TO THE 2012 PLANNING COMMISSION

Sponsors: Cross

Attachments: [2011 Planning Commission List](#)

Mayor Ryan announced the appointment of the following to the Planning Commission: District 1 Monica Radtke; District 2 Alan Goracke; District 3 Janice Bergstrom; and Chair at Large Joe Ouellette.

12.2 [MO 12-014](#)

MAYORAL APPOINTMENTS TO THE 2012 NATURAL RESOURCE CONSERVATION

Sponsors: Cross

Attachments: [2011 NRCB Members List](#)

Mayor Ryan announced the appointment of the following to the Natural Resource Conservation: District 1 Gene Rafferty; District 2 Grace Schrunk; and District 3 Kimberly Gunter.

12.3 [MO 12-015](#)

MAYORAL APPOINTMENTS TO THE 2012 PARK ADVISORY BOARD

Sponsors: Cross

Attachments: [2011 Park Board List](#)

Mayor Ryan announced the appointment of the following to the Park Advisory Board: District 1 vacant; District 2 Jeffrey Bird; and District 3 Jon Langenfeld.

13. OTHER BUSINESS

Mayor Ryan stated Walmart on the west side of Blaine has extended their time limit to March.

Mayor Ryan stated Walmart on the west and east side of Blaine is working with the landowners. He stated the City does not go after commercial business. He stated Bermo wants to stay out of the Walmart issue. He stated Bermo is staying in Blaine and have expanded their third shift.

Mayor Ryan stated at the last Workshop, the Council talked about the Lakes 1000 Development, Mr. Emmerich and mediation service or filing a lawsuit. He stated the Council had to decide on holding building permits or moving ahead with a lawsuit. Mayor Ryan is requesting the City Manager and City Attorney to move ahead with the lawsuit. He stated the mediation is going nowhere and it has been almost two years. He stated there are five parts to the project to be completed.

Moved by Councilmember Swanson, seconded by Councilmember Kolb to grant the Mayor and City Manager the authority to start legal action against the Lakes 1000 Developer.

Aye: 7 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Councilmember Bourke, Mayor Pro Tem Kolb and Councilmember Herbst

14. ADJOURNMENT

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that the meeting be Adjourned. The Motion was adopted unanimously. The meeting adjourned at 8:30 p.m.

Aye: 7 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Councilmember Bourke, Mayor Pro Tem Kolb and Councilmember Herbst