



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

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine, MN 55449

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Thursday, September 7, 2017

7:30 PM

Council Chambers

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

The meeting was called to order at 7:58 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; Planning and Community Development Director Bryan Schafer; Interim Police Chief/Safety Services Manager Dan Szykulski; Finance Director Joe Huss; Economic Development Coordinator Erik Thorvig; Public Services Manager/Assistant City Manager Bob Therres; City Attorney Patrick Sweeney; City Engineer Jean Keely; Community Standards Director Bob Fiske; Budget/Fiscal Analyst Ward Brown; Communications Technician Roark Haver; Senior Engineering Technician Al Thorp; and City Clerk Catherine Sorensen.

**Present:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

**Absent:** 1 - Councilmember King

**4. APPROVAL OF MINUTES**

**4.-1 [MIN 17-34](#) RECENTLY HELD MEETINGS**

**Moved by Councilmember Hovland, seconded by Councilmember Jeppson, that the Minutes of the Workshop Meeting of August 17, 2017 and the Minutes of the Regular Meeting of August 17, 2017 be approved.**

**Motion adopted 5-0-1. Councilmember Garvais abstained on the August 17, 2017 Workshop and Regular meeting minutes due to his absence.**

**Aye:** 5 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland and Councilmember Jeppson

**Abstain:** 1 - Councilmember Garvais

**5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS**

Mayor Ryan commented on a presentation that occurred last week by the Speaker of the House Kurt Daudt where a Civil Air Patrol member received the Spatz Award.

**6. COMMUNICATIONS**

None.

**7. OPEN FORUM FOR CITIZEN INPUT**

Mayor Ryan opened the Open Forum at 7:58 p.m.

Leslie Sunder, 118th Avenue, thanked Councilmember Dave Clark for responding to her email.

Stan Peterson, 113th Avenue and Jefferson Street, requested no parking signs be installed in his neighborhood that state "While School is in Session".

Councilmember Clark recommended this issue be referred to the Traffic Commission. City Manager Arneson stated he would take a look at the public record to see if the Council had already provided staff direction on this matter and would report back to the City Council.

There being no further input, Mayor Ryan closed the Open Forum at 8:00 p.m.

**8. ADOPTION OF AGENDA**

The agenda was adopted as presented.

**9. 7:30 P.M. - PUBLIC HEARING AND ITEMS SET FOR A CERTAIN TIME****9.-1 [RES 17-116](#) VACATION OF DRAINAGE AND UTILITY EASEMENT AT UNIVERSITY AVENUE NE AS PLATTED IN MUIR'S NORTHTOWN ADDITION, VACATION NO. V17-03**

Mayor Ryan opened the public hearing at 8:00 p.m.

City Engineer Keely stated a petition dated June 22, 2017, was submitted to the City by George Serumgard representing Metro Transit requesting vacation of drainage and utility easement. This easement was a remnant from a previous vacation at University Avenue NE as platted in Muir's Northtown Addition. This vacation is being requested because it is no longer needed as a part of the Northtown Transit Hub. The applicants represent 100% of the affected property

abutting this easement. The Engineering Department has reviewed this request and concurs with the vacation.

There being no public input, Mayor Ryan closed the public hearing at 8:02 p.m.

**Moved by Councilmember Swanson, seconded by Mayor Ryan, that Resolution 17-116, "Vacation of Drainage and Utility Easement at University Avenue NE as Platted in Muir's Northtown Addition," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

**9.-2** [RES 17-117](#)

ADOPTING ASSESSMENT FOR TRUNK UTILITY IMPROVEMENTS TO SERVE THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 23 AND THE PLAT OF GLENN MEADOWS IMPROVEMENT PROJECT NO. 14-14

Mayor Ryan opened the public hearing at 8:03 p.m.

City Engineer Keely stated Project No. 14-14 involved trunk and lateral sanitary sewer and trunk and lateral water main, and appurtenant construction with a total cost of \$1,325,663.86. City Engineer Keely explained the total project cost indicated in the Feasibility Report was \$1,011,546.00. The project costs were higher than estimated due to winter construction caused by delays in the wetland permitting process, wetter than normal climate, and a tight completion date. The assessment roll has been prepared consistent with the Feasibility Report. Of the total cost, the amount to be assessed is \$762,062.46. The Public Utility Fund will contribute \$50,000.00 for water main oversizing. Pooled TIF/EDA Funds will contribute \$116,288.50 for platted Austin Street and \$397,312.90 for water main.

There being no public input, Mayor Ryan closed the public hearing at 8:05 p.m.

**Moved by Councilmember Clark, seconded by Councilmember Garvais, that Resolution 17-117, "Adopting Assessment for Trunk Utility Improvements to Serve the North Half of the Northeast Quarter of Section 23 and the Plat of Glenn Meadows," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

**9.-3** [RES 17-118](#)

ADOPTING ASSESSMENT FOR RECONSTRUCTION OF 91ST AVENUE FROM JEFFERSON STREET TO POLK STREET, IMPROVEMENT PROJECT NO. 15-20

Mayor Ryan opened the public hearing at 8:07 p.m.

City Engineer Keely stated Project No. 15-20 includes installing concrete curb and gutter, storm sewer improvements, asphalt surface, traffic control signage, replacement of existing water main and appurtenant construction. The total cost of the project is \$999,048.24. City Engineer Keely explained the total project cost indicated in the Feasibility Report was \$1,143,450.00. The Assessment Roll has been prepared consistent with the Feasibility Report. Of the total cost, the amount to be assessed is \$149,815.50. The Public Utility Fund will contribute \$306,343.35 for water and sewer improvements. Pavement Management Program Fund (PMP) will contribute \$542,889.39.

Ron Clark, 733 91st Avenue, asked how the project would be paid for and how interest rates were determined by the City. He questioned if ISD 16 had appealed their assessment. Finance Director Huss explained this project was paid for through the City's last bond issuance. He reported the proposed interest rate was slightly higher than the bond rate. It was noted the school district had not appealed their assessment.

Mr. Clark explained he would be paying for his assessment on October 18th.

Cheryl Clark, 733 91st Avenue, thanked the Engineering and Police Department for their assistance during the project and commented on the need to change the school bus routes.

There being no additional public input, Mayor Ryan closed the public hearing at 8:16 p.m.

Councilmember Swanson requested staff speak with the School District regarding the bussing concerns.

**Moved by Mayor Ryan, seconded by Councilmember Clark, that Resolution 17-118, "Adopting Assessment for Reconstruction of 91st Avenue from Jefferson Street to Polk Street," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

**9.-4** [RES 17-119](#)

**ADOPTING ASSESSMENT FOR THE PAVEMENT MANAGEMENT PROGRAM - 2016 STREET RECONSTRUCTIONS IMPROVEMENT PROJECT NO. 16-07**

Mayor Ryan opened the public hearing at 8:17 p.m.

City Engineer Keely stated Project No. 16-07 includes spot concrete curb and gutter replacement, asphalt surface removal and replacement, concrete ribbon curb

(Baltimore Street, 97th Avenue), aggregate base and appurtenant construction. The estimated total cost of the project is \$1,100,028.89. City Engineer Keely explained the total project cost indicated in the Feasibility Report was \$1,334,205.00. The Assessment Roll has been prepared consistent with the Feasibility Report. Of the total cost, the amount to be assessed is \$272,581.85. The Public Utility Fund will contribute \$9,416.62 for sewer work. The developer's escrow for Shade Tree Court in the amount of \$16,974.87 will be applied to the project cost for work done on 131st Court. Pavement Management Program (PMP) funds will contribute \$801,055.55.

There being no additional public input, Mayor Ryan closed the public hearing at 8:20 p.m.

**Moved by Mayor Ryan, seconded by Councilmember Swanson, that Resolution 17-119, "Adopting Assessment for the Pavement Management Program – 2016 Street Reconstruction," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

## 10. APPROVAL OF CONSENT AGENDA:

**Adopted the Consent Agenda**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

### 10.-1 [MO 17-102](#) SCHEDULE OF BILLS PAID

**Approved**

### 10.-2 [RES 17-120](#) GRANTING APPROVAL TO CONDUCT OFF-SITE GAMBLING AT THE TPC TWIN CITIES ON OCTOBER 23, 2017 FOR THE SPRING LAKE PARK LIONS

**Adopted**

### 10.-3 [ORD 17-2382](#) SECOND READING

CHAPTER 38, FIRE PREVENTION AND PROTECTION, ARTICLE III. -  
IGNITION DEVICES

**Adopted****11. DEVELOPMENT BUSINESS**

- 11.-1** [RES 17-121](#) GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE RECONSTRUCTION OF AN EXISTING 440 SQUARE FOOT DETACHED GARAGE FOR A TOTAL OF 1,116 SQUARE FEET OF TOTAL GARAGE AREA IN AN R-1 (SINGLE FAMILY) ZONING DISTRICT AT 4152 FLOWERFIELD ROAD NE. GLENN THOENY. (CASE FILE NO. 17-0032/NBL)

Planning and Community Development Director Schafer stated the applicant wishes to reconstruct the existing detached garage by raising the structure 6 feet in height. The detached garage structure will remain at 440 square feet. The applicant currently has an existing attached garage that totals 676 square feet which would provide a total of 1,116 square feet of garage area on the property requiring a conditional use permit.

Planning and Community Development Director Schafer indicated the applicant and his wife have lived at this residence since they built the house over 30 years ago. Because the structures have been there for so long, there is no record of a building permit on the existing detached garage making it a legal non-conforming use. The applicant would like to reconstruct the detached structure to allow for the storage of three vehicles and a boat, and determined that raising the structure in height would be the best option for his existing site. The city requires that a conditional use permit be obtained in order to bring the structure into conformance with current city ordinances.

**Moved by Councilmember Swanson, seconded by Councilmember Garvais, that Resolution No. 17-121, "Granting a Conditional Use Permit to Allow for the Reconstruction of an Existing 440 Square Foot Detached Garage for a Total of 1,116 Square Feet of Total Garage Area in an R-1 (Single Family) Zoning District at 4152 Flowerfield Road NE," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

- 11.-2** [RES 17-122](#) GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR 1,189 SQUARE FEET OF TOTAL GARAGE/ACCESSORY SPACE IN AN R-1 (SINGLE FAMILY) ZONING DISTRICT, LOCATED AT 1250 130TH AVENUE NE. CHRISTOPHER RUSSO. (CASE FILE NO. 17-0035/LSJ)

Planning and Community Development Director Schafer stated the applicant is requesting a Conditional Use Permit to allow for 1,189 square feet of garage/accessory space. The applicant currently has an attached garage of 793

square feet and is proposing to construct a detached garage in the rear yard of the property that is 396 square feet.

Planning and Community Development Director Schafer reported the applicant currently has a detached shed/garage in the rear of property that will be removed so a new larger detached structure can be constructed. The applicant wishes to store a vehicle in the new garage for the winter months. The new garage will be accessed through a gate in the fence that surrounds the rear yard of the property. The gate is located on the west side of the house and will be constructed to match the existing home.

**Moved by Councilmember Clark, seconded by Mayor Ryan, that Resolution No. 17-122, "Granting a Conditional Use Permit to Allow for 1,189 Square Feet of Total Garage/Accessory Space in an R-1 (Single Family) Zoning District, located at 1250 130th Avenue NE," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

**11.-3** [RES 17-123](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A 240 SQUARE FOOT DETACHED STRUCTURE TO BE USED FOR A HOME OCCUPATION AND FOR ALLOWANCE OF MORE THAN TWO ACCESSORY STRUCTURES ON THE LOT IN AN R-1 (SINGLE FAMILY) ZONING DISTRICT, LOCATED AT 11772 JEFFERSON STREET NE. SARAH BARTELL. (CASE FILE NO. 17-0034/LSJ)

Planning and Community Development Director Schafer stated the applicant is requesting a Conditional Use Permit to allow for the construction of a 240-square foot detached structure to be used for a home occupation. The applicant wishes to operate a small photography office/studio in the structure, which will be required to be in the rear yard of the property. The applicant would like to have two photography sessions per week, with 1-2 daily customers entering the property approximately 2-3 days per week. The Zoning Ordinance requires a conditional use permit for home occupations that are operated in garages/accessory structures.

Planning and Community Development Director Schafer explained the proposed shed would be 240 square feet and when combined with the square footage of an attached garage and very small shed, the total square footage of garage/accessory space on the property would be 782 square feet. He reported the applicant currently has a studio in Minneapolis that does not meet her needs and would like to be able to use the shed as a studio to allow her and her clients more flexibility while staying within a budget. He stated the proposed shed would be required to match the house (colors) and the applicant has provided a rendering of the shed. The site plan that she has provided indicates that the shed would be located within

an area that is not allowed under current ordinance requirements. Ms. Bartell was informed about the 20-foot side yard setback requirement on this side of the lot, but it was later determined that the ordinance would not allow a shed in the side yard of the property unless there is direct access from the house in this location. Thus, the applicant's proposed location does not work and the shed will need to be located in the rear yard of the property. Staff reviewed the recommendation and noted there were 10 conditions for approval.

Councilmember Swanson stated he did not want the Council to set a precedent for residents building sheds for home occupations. He believed this meant the home occupation had grown too large for the home.

Mayor Ryan explained he understood some businesses could not afford to lease space and for this reason operated out of their home.

Councilmember Hovland indicated he had some of the same concerns as Councilmember Swanson and stated he would like to see the shed connected to the garage, versus being a stand-alone structure.

Sarah Bartell, 11772 Jefferson Street NE, explained she was renting studio space in Northeast Minneapolis but the space was not conducive for clients. She indicated she works part time as she was a stay-at-home mom and believed the proposed shed would more adequately meet the needs of her clientele. She stated she did not have enough space within her home to meet with clients or complete head shots.

Councilmember Clark explained Ms. Bartell was proposing to construct a typical shed and no special requests were being made for the space. Mayor Ryan reported this was the case.

The Council directed staff to note approval of this request was based on the fact the proposed use of the shed will be for meeting space only.

**Moved by Councilmember Clark, seconded by Councilmember Garvais, that Resolution No. 17-123, "Granting a Conditional Use Permit to Allow for the Construction of a 240 Square Foot Detached Structure to be Used for a Home Occupation and for Allowance of More than Two Accessory Structures on the Lot in an R-1 (Single Family) Zoning District located at 11772 Jefferson Street NE," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson



OCCUPATION INVOLVING SMALL ENGINE REPAIR AND ONLINE SALES IN THE FR (FARM RESIDENTIAL) ZONING DISTRICT AT 11802 LEXINGTON AVENUE NE. BOB TAYLOR. (CASE FILE NO. 17-0031/NBL)

Planning and Community Development Director Schafer stated the City received a complaint regarding outside storage at 11802 Lexington Ave NE. The applicant explained that he operates a mobile repair business and will do small engine repairs from his home on occasion which requires a Conditional Use Permit. The narrative stated that the garage consists of an area designated for customer interactions and also an area designated for doing repair work and for used parts sold online.

Planning and Community Development Director Schafer explained the narrative outlined the applicants desire to store boats over the winter months and the applicants desire to sell equipment such as trailers. These parts of the business are not permitted by the Zoning Ordinance in order to protect adjacent residents from storage yards and the unsightliness that can occur when these yards are not maintained.

Mayor Ryan questioned the size of Mr. Taylor's lot. Planning and Community Development Director Schafer stated the lot was 10 acres in size.

Councilmember Jeppson asked if the trailers and equipment would have to be stored indoors. Planning and Community Development Director Schafer reported this was the case.

Councilmember Hovland inquired if there were regulations or laws in place to address the proper ventilation of the pole barn or disposal of chemicals. Planning and Community Development Director Schafer explained the site was subject to inspection by the Fire Department on an annual basis.

Mayor Ryan stated he had no objection to the use.

**Moved by Councilmember Clark, seconded by Councilmember Hovland, that Resolution No. 17-124, "Granting a Conditional Use Permit to Allow for a Home Occupation Involving Small Engine Repair and Online Sales in the FR (Farm Residential) Zoning District at 11802 Lexington Avenue NE," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

Bob Taylor, 11802 Lexington Avenue NE, stated he did not understand the storage portion of Conditional Use Permit. He questioned how a customer dropping off a boat for service was considered outside storage. He explained his shed was almost 400 feet from Lexington Avenue and was not visible to passing traffic. He

indicated he was being asked by the adjacent homeowner's association to store boats during the winter months.

Councilmember Garvais stated that a small number of boats over short periods of time would not raise concern but a large number of boats being stored over a longer period of time would not be allowed.

Councilmember Clark indicated no boat storage would be allowed over the winter months. Mr. Taylor stated he understood the Council's concerns.

Mayor Ryan and the entire Council stressed the importance of Mr. Taylor having no outside storage on this property.

**11.-5** [RES 17-125](#)

APPROVE A TWO-FOOT VARIANCE TO THE SIX-FOOT MAXIMUM FENCE HEIGHT ZONING ORDINANCE REQUIREMENT FOR THE R-1 (SINGLE FAMILY) DISTRICT TO ALLOW FOR AN EIGHT-FOOT HIGH FENCE, LOCATED AT 249 OAK PARK DRIVE NE. BEV FOLSTROM. (CASE FILE NO. 17-0027/LSJ)

Planning and Community Development Director Schafer stated Ms. Folstrom and her neighbor have had ongoing disagreements about several issues and to provide privacy between her lot and her neighbor's lot, Ms. Folstrom has placed several items along her interior side yard lot line to act as a buffer between her and her neighbor and is requesting a variance to install a fence that is two-feet higher than the City's maximum fence height requirement in the side yard of 6-feet. The applicant would like to construct a maintenance free board on board fence that is 8 feet in height in her side yard along her interior lot line.

Mayor Ryan stated the homes in this neighborhood were quite close and he understood this was a privacy issue. He explained the neighbors had tried mediation which did not work and supported the existing fence/barrier being removed and explained he would rather see a maintenance free fence in its place. He said he believed the proposed fence would solve the dilemma between these two neighbors.

Councilmember Garvais said he did not believe a new eight-foot fence would solve the situation between the neighbors.

Councilmember Jeppson questioned who would be paying for the fence. Mayor Ryan explained Ms. Folstrom would be paying for the fence.

Planning and Community Development Director Schafer reviewed with the Council how the resolution would have to be amended in order for the variance request to be approved.

Mayor Ryan and Councilmember Clark accepted a friendly amendment to require the fence to be constructed out of a maintenance-free material.

**Moved by Mayor Ryan, seconded by Councilmember Clark, that Resolution No. 17-125, "Approving a Two-Foot Variance to the Six-Foot Maximum Fence Height Zoning Ordinance Requirement for the R-1 (Single Family) District to Allow for an Eight-Foot High Fence located at 249 Oak Park Drive NE," be approved.**

**Motion adopted 5-1 (Councilmember Garvais opposed).**

**Aye:** 5 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland and Councilmember Jeppson

**Nay:** 1 - Councilmember Garvais

**11.-6** [RES 17-126](#)

GRANTING PRELIMINARY PLAT APPROVAL TO SUBDIVIDE 36.53 ACRES INTO ONE (1) LOT AND TWO (2) OUTLOTS TO BE KNOWN AS AIRPORT PARK AT 2180 105TH AVENUE NE. METROPOLITAN AIRPORTS COMMISSION. (CASE FILE NO. 17-0033/NBL)

Planning and Community Development Director Schafer stated the Metropolitan Airport Commission (MAC) is proposing to plat a 36.53-acre parcel into one lot and two outlots. The proposed plat creates a lot (Lot 1) that is 2.9 acres and is being platted for future development. Outlot A will be required to be dedicated as right-of-way or as a drainage and utility easement for existing utilities along the north side of 105th Avenue. Outlot B will remain as soccer fields, softball fields, and parking. Staff reviewed the remaining requirements for the plat and recommended approval.

Councilmember Clark stated he would be supporting MAC and their efforts to subdivide this property.

Doug Hoskinen, Deal Properties, requested the Council consider allowing a retail restaurant/gas station use at this site.

Councilmember Clark requested this matter be brought to a future Council worksession meeting.

**Moved by Councilmember Garvais, seconded by Councilmember Jeppson, that Resolution No. 17-126, "Granting Preliminary Plat Approval to Subdivide 36.53 Acres into One (1) Lot and Two (2) Outlots to be Known as Airport Park at 2180 105th Avenue NE," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

**11.-7** [ORD 17-2383](#)

SECOND READING

REZONING FROM I-2 (HEAVY INDUSTRIAL) TO PBD (PLANNED BUSINESS DISTRICT) AT 10500 RADISSON ROAD NE. KWIK TRIP, INC. (CASE FILE NO. 17-0036/SLK)

Planning and Community Development Director Schafer stated Kwik Trip is proposing to locate on the northwest corner of Radisson Road and 105th Avenue NE. The site is zoned I-2 (Heavy Industrial) and will need to be rezoned to PBD (Planned Business District) to allow a gas station/convenience store with car wash in this zoning district with a conditional use permit. He reported the proposed convenience store is a 7,231-square foot building and the associated attached car wash is a 3,058-square foot structure. All setbacks have been met for this site. Site access will consist of a right-in/right-out on Radisson Road and a ¾ access (allows east bound left in) onto 105th Avenue which has been accounted for in the redesign of 105th Avenue.

Mayor Ryan stated the City has been working to clean up this corner for the past 25 years.

**Declared by Mayor Ryan that Ordinance No. 17-2383, "Rezoning from I-2 (Heavy Industrial) to PBD (Planned Business District) at 10500 Radisson Road NE," be introduced and placed on file for second reading at the September 21, 2017 Council meeting.**

11.8 [RES 17-127](#)

GRANTING FINAL PLAT APPROVAL TO SUBDIVIDE 111 ACRES INTO 10 LOTS AND EIGHT (8) OUTLOTS TO BE KNOWN AS QUAIL CREEK 10TH ADDITION AT 132ND AVE/QUAIL CREEK PARKWAY. PAUL GAGNON. (CASE FILE NO. 16-0030/LSJ)

Planning and Community Development Director Schafer stated the applicant is requesting the approval of a final plat for the 10th Addition of Quail Creek, which contains 10 single family lots and 8 outlots. The City Council previously approved a preliminary plat for 96 lots on August 3rd, so this final plat only represents a small portion of the preliminary plat that was approved. The lots in the plat all meet the minimum lot size, lot depth and lot width requirements of the R-1AA (Single-Family) zoning district. There are 8 outlots also being platted with this final plat. Obviously the outlots represent future lot additions, streets and drainage and utility areas. Staff reviewed the remaining requirements for the plat and recommended approval.

**Moved by Mayor Ryan, seconded by Councilmember Clark, that Resolution No. 17-127, "Granting Final Plat Approval to Subdivide 111 Acres into Ten (10) Lots and Eight (8) Outlots to be Known as Quail Creek 10th Addition at 132nd Avenue/Quail Creek Parkway," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

12. ADMINISTRATION

**12.-1** [MO 17-103](#)**CONSIDER SPECIAL EVENTS LICENSE FOR THE 2018 JOYFUL NOISE FAMILY FEST LOCATED AT THE NATIONAL SPORTS CENTER, 1700 105TH AVENUE NE**

City Clerk Sorensen stated Samuel Cook, applicant for Joyful Noise Family Fest, has filed an application for a Special Events License to hold an outdoor family Christian music festival at the National Sports Center, 1700 105th Avenue NE on Friday, June 8, 2018 from 5:00 p.m. to 10:30 p.m. and Saturday, June 9, 2018 from 10:00 a.m. to 10:30 p.m. Mr. Cook has deposited with the City a \$100 license fee, a \$500 deposit fee and will provide a current certificate of insurance with the City as additional insured prior to the event. The Special Event license is contingent on receiving food and beverage licenses that cover the date of the event. A background check for Mr. Cook has been completed by the Police Department and no problems or complaints are on file. Approximately 18,000 spectators are expected at the event. Staff reviewed the conditions for approval and recommended approval of the Special Events License. It was noted approval of the request would be contingent upon a successful parking/shuttle plan.

Samuel Cook, Joyful Noise representative, explained he met with the Police Department two days ago to discuss the shuttling plan. He stated he was working with the National Sports Center on onsite shuttling options as well. He indicated it was his intention to provide a safe event for all people in attendance. He reported he would be increasing the number of Police and Fire personnel at this event.

Interim Police Chief/Safety Services Manager Szykulski described how the Police Department would be staffing this event.

Mayor Ryan said he believed this event has been very well managed over the years. Mr. Cook thanked the City of Blaine for their continued support on behalf of the Joyful Noise and KTIS.

**Moved by Councilmember Hovland, seconded by Councilmember Garvais, that Motion 17-103, "Consider Special Events License for the 2018 Joyful Noise Family Fest located at the National Sports Center at 1700 105th Avenue NE," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

**12.-2** [ORD 17-2381](#)**SECOND READING**

**ORDINANCE AMENDING CHAPTER 70 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES ARTICLE II. - SPECIAL EVENTS OF THE MUNICIPAL CODE OF THE CITY OF BLAINE**

City Clerk Sorensen stated staff has seen an increase from event planners promoting special events prior to obtaining City approval. This proposed ordinance would provide a mechanism for the City to deny or revoke a special event license if an event is promoted prior to City approval. At the August 17 regular meeting Council shared concerns with the ordinance as it related to First Amendment rights. They also asked that staff demonstrate how an expedited approval process could be done if necessary, for example a fundraising event for cancer research. After speaking with the City Attorney, we concluded it would be difficult for an applicant to prove how this ordinance amendment would impede on First Amendment rights; the City cannot stop an individual or organization from promoting any event, approved or not. This ordinance would merely take any pre-event promotion into consideration during the review process. In addition, the language as proposed says “may result in denial” which again means that pre-promotion would be taken into consideration of the application as a whole and not result in a definitive denial.

City Clerk Sorensen commented regarding expedited processing with the exception of those held at the National Sports Center all special event licenses are issued administratively. Staff has processed 20 applications so far this year, most of which were received outside the required 45-day window. Since this is a relatively new ordinance that not all event organizers may be aware of staff has been very accommodating to meet deadlines in order to have successful events, especially since many are first-time events. If necessary though, Section 70-44(d) allows for an exception by the City Manager or designee to the special event approval process at their discretion.

Councilmember Clark stated he did not agree with the City’s strategy on this matter and suggested increasing the application deadline instead as a way to address staff’s concerns.

**Declared by Mayor Ryan that Ordinance No. 17-2381, “Ordinance Amendment Chapter 70 – Streets, Sidewalks and Other Public Places Article II. – Special Events of the Municipal Code of the City of Blaine,” be introduced and placed on file for second reading at the September 21, 2017 Council meeting.**

**12.-3** [MO 17-104](#)

**APPROVE COOPERATIVE AGREEMENT REGARDING PUBLIC SAFETY RELATED TO 2018 NATIONAL FOOTBALL LEAGUE SUPER BOWL SECURITY**

Interim Police Chief/Safety Services Manager Szykalski stated the City of Minneapolis is the host city for the 201 National Football League Super Bowl to be held on Sunday, February 4, 2018, and for related events authorized by the National Football League, most of which will take place in Minneapolis, St. Paul, and Bloomington from Friday, January 26, , through Monday, February 5, 2018. As part of those events a Unified Command structure is needed to ensure the required level of security coordination for such a large and unique event, therefore

Minneapolis is in need of procuring additional law enforcement personnel to provide adequate public safety and security measures. He explained Blaine has initially offered 8 officers as was done with the Republican National Convention so they may get accurate counts of available staff. All events worked by our officers are sanctioned events by the Super Bowl Committee and overtime wages with benefits will be covered by the committee.

**Moved by Councilmember Clark, seconded by Councilmember Hovland, that Motion 17-104, "Approve Cooperative Agreement Regarding Public Safety Related to 2018 National Football League Super Bowl Security," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

**12.-4** [MO 17-105](#)

**APPROVING UTILITY AGREEMENT BETWEEN THE CITY OF BLAINE AND CIRCLE PINES UTILITIES TO PROVIDE UTILITY SERVICES TO ELLIES COVE**

Public Services Manager/Assistant City Manager Therres stated recently the Ellies Cove subdivision was platted along North Road near Centennial High School. The development is a 12-lot in-fill plat with a single cul-de-sac that accesses North Road. When the developer, Mark Olson, of Ellies Cove started to bring utilities to the property he realized he would need to lose one of the 12 lots or incur significant costs to open up North Road to connect to the City of Blaine's sewer line. Because of the significant costs the developer looked at the feasibility of connecting the utilities to the City of Circle Pines, which are located on the south side of North Road. It is less expensive to connect to the City of Circle Pines' utilities than Blaine's.

Public Services Manager/Assistant City Manager Therres reported staff has had discussions with Circle Pines and they are willing to provide utilities to this subdivision. The subdivision would still be in the City of Blaine and the taxes would be paid to Blaine. Their water, sewer and natural gas bills would be paid to Circle Pines.

**Moved by Councilmember Swanson, seconded by Councilmember Jeppson, that Motion 17-105, "Approving Utility Agreement between the City of Blaine and Circle Pines Utilities to Provide Utility Services to Ellies Cove," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

**12.-5** [RES 17-128](#)

**ACCEPT BID FROM ELECTRIC PUMP, INC. IN THE AMOUNT OF \$254,499.00 FOR THE LIFT STATION NOS. 6, 11 & 15,**

**IMPROVEMENT PROJECT NO. 17-14**

Public Services Manager/Assistant City Manager Therres stated bids were received for Project No. 17-14 and a total of 3 bids were received ranging from \$254,499.00 to \$380,953.77 with Electric Pump, Inc. as the lowest bidder. This project will replace control panels on three older lift stations and with a 10% contingency would bring the total project budget to \$279,948.90. The funding source for this project is the Sanitary Sewer fund which has \$255,000 budgeted for this project.

**Moved by Mayor Ryan, seconded by Councilmember Clark, that Resolution 17-128, "Accepting a Bid from Electric Pump, Inc. in the Amount of \$254,499.00 for the Lift Station Nos. 6, 11 & 15," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

**13. OTHER BUSINESS**

Councilmember Jeppson requested staff review the signal cycles for the northbound and southbound lanes on Davenport Street to address traffic along 105th Avenue. City Manager Arneson stated he would see if additional time could be included for green lights for Davenport Street traffic.

Mayor Ryan stated he attended a recent Water Conservation Board meeting where the Blaine Wetland Sanctuary was discussed.

Councilmember Hovland requested the Council discuss the cost to address the driveway grading concerns on Able Street at the September 21st worksession meeting. City Manager Arneson estimated the cost would be \$10,000 to fix the grade on the driveway and stated the Council could further evaluate this concern at a future meeting.

**14. ADJOURNMENT**

**Moved by Councilmember Clark, seconded by Councilmember Jeppson, to adjourn the meeting at 9:42 p.m.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson