



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

10801 Town Square Dr.
Blaine MN 55449

Thursday, April 4, 2013

7:30 PM

Council Chambers

Meeting Number 13-18

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Quorum present.

ALSO PRESENT: Bryan Schafer, Planning Director; Joe Huss, Finance Director; Chris Olson, Safety Service Manager/Police Chief; Jean Keely, City Engineer; Nate Monahan, Parks and Recreation Program Supervisor; Jerome Krieger, Parks and Recreation Program Supervisor; Roark Haver, Communications Technician; Al Thorp, Senior Engineering Technician; Jane Cross, City Clerk; and Recording Secretary Linda Dahlquist.

Present: 5 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Mayor Pro Tem Kolb and Councilmember Herbst

Absent: 2 - Councilmember Clark and Councilmember Bourke

4. APPROVAL OF MINUTES

4.-1 [MIN 13-08](#)

WORKSHOP PARK, PLANNING, NRCB MEETING -
01/14/2013
WORKSHOP MEETING - 03/21/2013
REGULAR MEETING - 03/21/2013

Sponsors: Cross

Attachments: [011413 P&P&NRCB Interviews](#)
[Workshop Minutes 03/21/2013](#)
[Council Minutes 03/21/2013](#)

The workshop minutes from 3/21/13 were pulled prior to the meeting.

Moved by Councilmember Herbst, seconded by Councilmember Hovland, that the Workshop Park, Planning, NRCB Meeting Minutes of January 14, 2013, and the Regular Meeting Minutes of March 21, 2013, be approved.

Motion adopted 4-0-1 (Councilmember Hovland abstained from the Workshop Park, Planning, NRCB Meeting Minutes of January 14, 2013 due to his absence.)

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

6. COMMUNICATIONS

Mayor Ryan congratulated Fogerty Arena on their grand opening of the Curling Rink and their new restaurant.

Mayor Ryan thanked Roark Haver for his assistance at the volunteer open house.

Mayor Ryan sends his condolences to the family of Rhona Marie. She was a very active volunteer for the City.

Mayor Ryan welcomed Core Trust Bank formerly Blaine State Bank.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:39 p.m.

There being no further input, Mayor Ryan closed the Open Forum at 7:40 p.m.

8. ADOPTION OF AGENDA

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

10. APPROVAL OF CONSENT AGENDA:

Moved by Councilmember Herbst, seconded by Mayor Pro Tem Kolb, that this

be Adopt the Consent Agenda. The Motion was adopted unanimously.

10.-2 [MO 13-037](#)

APPROVE TEMPORARY NURSERY SALES LICENSES

Sponsors: Cross

Approved unanimously by Consent Vote.

10.-3 [MO 13-038](#)

**APPROVE INDIVIDUAL THERAPEUTIC MASSAGE
LICENSE**

Sponsors: Cross

Attachments: [2013 Massage Individual List](#)

Approved unanimously by Consent Vote.

10.-5 [MO 13-039](#)

**APPROVE A TOBACCO AND TOBACCO PRODUCTS LICENSE
FOR TOBACCO & MORE, 10549 UNIVERSITY AVENUE NE,
BLAINE.**

Sponsors: Cross

Approved unanimously by Consent Vote.

10.-1 [MO 13-036](#)

SCHEDULE OF BILLS PAID

Sponsors: Huss

Attachments: [03/15/13 Bills Paid](#)

[03/22/13 Bills Paid](#)

Councilmember Swanson questioned the cost for towing for forfeitures. He requested a Council Workshop on forfeitures to cover the State law and what are forfeitures.

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

10.-4 [RES 13-040](#)

**RECEIVE PETITION AND ORDER PUBLIC HEARING
VACATION OF DRAINAGE AND UTILITY EASEMENTS
FOR OUTLOT A, CHAIN OF LAKES ADDITION AND
LOT 19, BLOCK 1, THE LAKES OF RADISSON**

**FORTY FOURTH ADDITION
VACATION NO. V13-03**

Sponsors: Keely

Attachments: [V13-03 Easement Vacation Petition \(Chase Executed\).pdf](#)
[V13-03 Easement Vacation Petition \(Executed\).pdf](#)
[location map 13-03.pdf](#)

Councilmember Hovland asked for descriptions of utilities and drainage easements and why people petition for vacations. City Engineer Keely replied the property was platted with the Lakes of Radisson 44th Addition and a new property owner purchased it from the bank. She stated the property was replatted and the old easement is vacated and a new easement will be built.

Councilmember Hovland asked can an applicant apply for a vacation in an existing neighborhood. City Engineer Keely stated it depends on the vacation request.

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

ADMINISTRATION

12.-6 [RES 13-050](#)

**PROVIDING FOR THE COMPETITIVE SALE OF
GENERAL OBLIGATION REFUNDING BONDS, SERIES
2013A, IN THE AMOUNT OF \$5,075,000**

Sponsors: Huss

Attachments: [Springsted Recommendations - Series 2013A](#)

Councilmember Swanson requested agenda item 12.6 be moved up on the agenda.

Finance Director Huss stated the resolution is for the sale of General Obligation Improvement Bonds and sets the sale date of the bonds for May 2, 2013. He stated the proceeds from the bonds will be used to refund the City's General Obligation Capital Improvement Bonds, Series 2005A. He stated refinancing the bonds will save the City considerably.

Terri Heaton, Springsted, stated the rates have been low for the last five years and the City continues to have AA1 rating.

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

11. DEVELOPMENT BUSINESS

11.-1 [RES 13-041](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR OUTDOOR DINING WITH SEATING FOR TWELVE AND TWO BENCHES AT 12410 ABERDEEN STREET, SUITE 500. YOGURT SUNDAE. (CASE FILE NO. 13-0011/LSJ)

Sponsors: Schafer

Attachments: [Yogurt Sundae Attachments](#)

Planning and Community Development Director Shafer stated Yogurt Sundae would like to provide outdoor dining with seating for 12 by providing three tables and two benches. He noted the outdoor dining area will be subject to Sewer Access Charges (SAC).

Mayor Ryan commented that the City needs to talk to the Met Council or Sewer Commission about SAC fees.

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

11.-2 [RES 13-042](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR AN OPEN SALES LOT AND A 10-FOOT SPECIAL PURPOSE FENCE AT 10091 CENTRAL AVENUE NE. THORNE BROS. (CASE FILE NO. 12-0036/SLK)

Sponsors: Schafer

Attachments: [Thorne Bros Attachments](#)

Planning and Community Development Director Shafer stated Thorne Bros. is proposing to enclose an open sales lot that is 64 feet by 37 feet (approximately 2,400 square foot area) behind their building (east side) at their outdoor sports/fishing retail business. He stated the City has had an enforcement issue with Thorne Bros. for storing items outdoors.

Mayor Ryan commented that there is an issue with outdoor sales with items on the boulevard.

Josh Roundsley, Thorne Bros., stated he had applied for a permit to display items on the boulevard.

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

11.-3 [RES 13-043](#)

**GRANTING PRELIMINARY PLAT APPROVAL TO
SUBDIVIDE 1.83 ACRES INTO FOUR (4) SINGLE FAMILY
LOTS TO BE KNOWN AS MARQUEST MEADOWS EAST
AT 91st AVENUE/ZUMBROTA STREET NE. SHADE TREE
CONSTRUCTION, INC. (CASE FILE NO. 13-0005/LSJ)**

Attachments: [Marquest East Attachments](#)
 [Marquest East Public Comments](#)
 [Marquest East - PC Minutes](#)

Planning and Community Development Director Shafer stated Shade Tree Construction is proposing an infill development southeast of the airport on 91st Avenue. He stated the property is zoned R-1 and all four lots meet the minimum lot size requirement. He stated the houses will be situated further back on the lots in order for the front to remain wetlands. He stated park dedication funds will be on the four lots.

City Engineer Keely stated the neighboring community had questions on the storm drainage for the plat and the decreased size of the wetlands. She stated in 1998 the wetlands expanded and the 5 homes on 91st Lane drained into the wetlands. She stated the wetland delineation was done in 2011 and is good for five years. She stated the Rice Creek Watershed District's storm drainage has changed over the years and this new development is required to put the water into a pretreatment system (rain garden) before the storm water goes into the wetland. She noted that due to the length of the driveways, water will be slow to drain into the piping on 91st.

Councilmember Swanson questioned if the five homes on 91st Lane are free from the easements. City Engineer Keely replied those homes are free from the original wetland delineation, but their drainage easement still takes water to the wetland.

Councilmember Swanson asked if the five residents can do things on the wetland easement area. City Engineer Keely stated the easements remains, but the delineation has changed.

Councilmember Swanson commented developing the new property will not alter the drainage of the five lots on 91st Lane. He asked who will be responsible for the rain garden maintenance. City Engineer Keely replied a document for maintenance should be included in the properties' deed.

Councilmember Herbst asked about the length of the driveways. Planning and Community Development Director Schafer replied the driveways are 150

feet.

Councilmember Herbst asked how far the homes will be situated from the back lot line. Planning and Community Development Director Schafer stated the setback can go back to 30 feet from the lot line.

Noha Gubash, 2703 91st Avenue E, stated she had talked to City Engineer Keely about the lots drainage and wetland. She is concerned about her back yard being turned into a treatment area and this is not fair.

Councilmember Herbst asked about the new driveways elevation compared to the elevation to the back yards of the neighbors. City Engineer Keely stated the five lots to the east drain naturally through the grass go through the culverts and into the rain garden. She stated storm water will over top the drive way and flow into the main storm sewer in the street. She stated the rain garden is lower by a foot of the neighbors' rear yards.

Councilmember Swanson asked if the water will flow faster into the area than it is today. City Engineer Keely stated the water will sit before it over tops the driveway. She stated the flow has to be 5 inches high before it flows into the storm water system.

Councilmember Herbst clarified that there will be water sitting in the drain easement. City Engineer Keely stated yes.

Councilmember Herbst stated the water is moving from the yards into a drain field and then into the rain garden. He asked if the driveways could be lowered. City Engineer Keely stated the driveways need to be high enough for the culvert to go underneath. She stated the overflow is matching the existing grade. She noted the driveways will each have a dip in them. She stated the culvert elevation is one foot lower than the overflow.

Rebecca Brooks, 2672 91st Avenue NE, stated the studies were good for 3-5 years. She stated there is standing water currently. She wants to know what the recourse the homeowners will have if water is sitting in their yards. She is concerned that the Water Shed District did their study during a drought.

Mayor Ryan stated the builder has the authority to build and address issues as they come.

Councilmember Herbst stated he believes there will be a swill under the driveways and asked if the builder could put in a 6 or 8 inch PVC piping for flooding. City Engineer Keely stated the low spot in the driveway will force the water to go over top. She stated a culvert will be placed under the driveway that is positioned one foot below the driveways. She stated a second culvert in the second drive way is lower than the 3 other driveways.

Storm Water Manager Hafner stated the Water Shed District would not object to having an extra culvert running alongside the driveways.

Councilmember Hovland commented it does not matter how many culverts are installed; the key is how fast the water moves into the storm water system.

City Engineer Keely stated this is a primary plat and she will ask the developer about additional culverts.

Dave Gildersleeve, 2692 91st Lane NE, commented by purposefully running water underneath the driveways will cause problems for the new residents.

Councilmember Swanson stated the developer has to notify the new owners of the rain garden on their property.

Mark Strandlund, 23035 Ulysses Street, Shade Tree Construction, stated he has the rain garden included in the purchase agreements for the four lots. He stated the overflow to the culvert to the rain garden.

Councilmember Swanson asked for the maximum water flow into the rain garden. City Engineer Keely stated it would be greater than 1 in 10 chance the water would overflow from the driveways. She stated she will verify the 10 and 20 year event data.

Councilmember Herbst asked Mr. Strandlund why a culvert isn't used instead of a swale. Mr. Strandlund replied the dip in the driveway is able to handle more water than a culvert.

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

11.-4 [RES 13-044](#)

**GRANTING PRELIMINARY PLAT APPROVAL TO
SUBDIVIDE SIX ACRES INTO TEN SINGLE FAMILY
LOTS TO BE KNOWN AS MARQUEST MEADOWS WEST
AT 621 115th AVENUE NE. SHADE TREE
CONSTRUCTION, INC. (CASE FILE NO 13-0014/LSJ)**

Sponsors: Schafer

Attachments: [Marquest West Attachments](#)

Planning and Community Development Director Shafer stated Methodist Church has decided to sell their excess property to Shade Tree Construction who is proposing to infill the development east of the Methodist Church. The proposed plat includes 10 lots on 6 acres and is Zoned R-1. He stated lot 6

will have a smaller pad in order to have a useable yard.

Councilmember Kolb asked if the cul-de-sac will be large enough for snow removal. She commented this development is in her neighborhood. Planning and Community Development Director Shafer replied the cul-de-sac is the standard size.

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

11.-5 [RES 13-045](#)

**GRANTING A CONDITIONAL USE PERMIT
AMENDMENT TO ALLOW FOR A SIX CLASSROOM
ADDITION ONTO THE SOUTH SIDE OF NORTHPOINT
ELEMENTARY SCHOOL AT 2350 124th COURT NE.
INDEPENDENT SCHOOL DISTRICT #16. (CASE FILE NO.
13-0019/SLK)**

Sponsors: Schafer

Attachments: [Northpoint Attachments](#)

Councilmember Herbst left at 8:40 p.m. and returned at 8:42 p.m.

Planning and Community Development Director Shafer stated Independent School District #16 proposes to construct an addition for six classrooms on the south side of the existing Northpoint Elementary School. He stated the addition is approximately 7,010 sq. ft. and will be used as classrooms.

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

11.-6 [RES 13-046](#)

**GRANTING FINAL APPROVAL TO SUBDIVIDE AN
OUTLOT INTO ONE LOT TO BE KNOWN AS
NORTHEAST METROPOLITAN SCHOOL DISTRICT 916
ADDITION AT 95TH AVENUE/HAMLIN AVENUE NE.
NORTHEAST METROPOLITAN SCHOOL DISTRICT #916.
(CASE FILE NO. 13-0006/SLK)**

Sponsors: Schafer

Attachments: [ISD 916 attachments - Final Plat](#)

Planning and Community Development Director Shafer stated Northeast Metro #916 Intermediate School District is proposing to construct a new K-8 facility on 19 acres on the south side of 95th Avenue for children with Autism Spectrum Disorders, and Emotional and Behavioral Disorders. He stated the school is working on documents in order to close on the property next week.

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

12. ADMINISTRATION

12.-1 [MO 13-040](#)

**AUTHORIZE CITY MANAGER TO ENTER INTO
CONTRACT WITH SRF CONSULTING GROUP, INC. IN A
NOT-TO-EXCEED AMOUNT OF \$25,000 FOR
PROFESSIONAL SERVICES FOR LEGACY CREEK PARK
(IMPROVEMENT PROJECT NO. 12-16)**

Sponsors: Monahan

Attachments: [SRF LegacyCreekContract](#)

Parks and Recreation Program Supervisor Monahan stated most of the work for Legacy Creek Park has been done. He stated when the park design work was originally started no contract was brought to the Council. This mistake was recently found. He stated this motion is to authorize the City Manager to enter into contract with SRF Consulting Group, Inc. in a not-to-exceed amount of \$25,000 in accordance with their proposal dated March 4, 2013 for professional services for Legacy Creek Park.

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

12.-2 [MO 13-041](#)

**AUTHORIZE THE CITY TO ENTER INTO CONTRACT
WITH SRF CONSULTING GROUP, INC. TO PROVIDE
SERVICES FOR DETERMINATION OF WETLAND
BOUNDARY AT AQUATORE PARK FIELD #1 IN THE
AMOUNT OF \$18, 520.**

Sponsors: Krieger

Attachments: [Aquatore Wetland Monitoring Proposal](#)

Parks and Recreation Program Supervisor Krieger stated the Coon Creek Watershed District is requiring a groundwater study to determine the area of wetlands as part of the relocation of Aquatore field #1. He stated this motion is to authorize the City to enter into contract with SRF Consulting Group, Inc. to provide services for Determination of Wetland Boundary of Aquatore Park field #1 in the amount of \$18,520.

Councilmember Hovland questioned if Coon Creek Watershed District already has this data. Public Services Manager Therres replied the area is heavily treed and pristine, and no data is available.

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

12.-3 [RES 13-047](#)

**ACCEPT BID FROM ALLIED BLACKTOP COMPANY IN
THE AMOUNT OF \$92,847.50 FOR THE 2013 SEAL COAT
PROGRAM
IMPROVEMENT PROJECT NO. 13-02**

Sponsors: Keely

City Engineer Keely stated two bids were received for the project and Allied Blacktop Company is the lowest bidder. She stated it has been determined that the bid be accepted and a contract entered into with Allied Blacktop Company. She stated the Council is also asked to approve a 5% contingency. She noted the funding source for this project is the General Fund and there are sufficient funds to cover these costs.

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

12.-4 [RES 13-048](#)

**ACCEPT BID FROM HIGHWAY TECHNOLOGIES, INC.
IN THE AMOUNT OF \$40,706.07 FOR THE 2013
PAVEMENT MARKINGS
IMPROVEMENT PROJECT NO. 13-03**

Sponsors: Keely

City Engineer Keely stated three bids were received for the project and Highway Technologies, Inc. is the lowest bidder. She stated it has been determined that the bid be accepted and a contract entered into with Highway Technologies, Inc. She stated the Council is also asked to approve a 10% contingency. She noted the funding source for this project is the General Fund and there are sufficient funds to cover these costs.

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

12.-5 [RES 13-049](#)

**APPROVE JOINT POWERS AGREEMENT NO. 2013-0509
WITH ANOKA COUNTY FOR RECONSTRUCTION OF
UNIVERSITY AVENUE (COUNTY STATE AID HIGHWAY
51) FROM 109TH AVENUE TO 125TH AVENUE, CITY
IMPROVEMENT PROJECT NO. 10-09 (SP 002-651-007, SAP
106-020-031)**

Sponsors: Keely

Attachments: [University Ave Layout](#)
 [University Ave JPA](#)
 [University Ave Cost Estimate](#)

City Engineer Keely stated Anoka County has prepared a Joint Powers Agreement (JPA) for the reconstruction of University Avenue (CSAH 51) from north of 109th Avenue to north of 121st Avenue. She stated the project involves reconstructing the existing 2-lane roadway into a new 4-lane divided roadway with medians, curb and gutter, a portion of traffic control, a percentage of storm drainage improvements based on contributing area, the trail on the east side of the road, and a portion of the traffic signal work at 5 intersections. She stated an optional item to consider is noise wall upgrades for an additional cost of \$25,000. She noted that noise wall upgrades were approved by Coon Rapids. She stated the JPA states future maintenance obligations of the City to include storm sewer and detention basins, bituminous trail, crosswalk pavement markings at all City streets, street lights, luminaries and EVP systems on traffic signals, and ongoing electrical costs for street lights and traffic signals. She stated the County would maintain the noise wall and invoice the City for the work and the City to pay for the costs of relocating City utilities within City right-of-way.

Mayor Ryan commented the first six houses could have used an alley for access to their back yards. City Engineer Keely stated the County is doing research on the affected homes.

Doug Fisher, Anoka County Highway Engineer, stated the homes in question have been appraised and show the damages are high due to their closeness to the road and the County will talk to the property owners about buyouts. He noted purchasing the homes will be an additional cost to the project and the County would want to somehow recoup the costs with redevelopment.

Public Services Manager Therres stated one change to the project is an added signal at Four Seasons that requires warrants and is not included in the plan. He noted that this will be an additional cost for the City. He stated the upgraded wall will also be an additional cost to the City as well.

Moved by Councilmember Kolb, seconded by Councilmember Herbst, that Resolution 13-049, "Approve Joint Powers Agreement No. 2013-0509 With Anoka County for Reconstruction of University Avenue (County State Aid Highway 51) from 109th Avenue to 125th Avenue," be amended to include \$25,000 to be used for the noise wall upgrade.

Amendment adopted unanimously.

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

12.-7 [RES 13-051](#)

RECEIVE FEASIBILITY REPORT AND ORDER PUBLIC HEARING FOR THE 93RD LANE INDUSTRIAL PARK AREA STREET IMPROVEMENTS, PHASE 2, IMPROVEMENT PROJECT NO. 12-19

Sponsors: Keely

Attachments: [93rd Lane Location Map](#)
[93rd Lane - Assessment Map](#)
[93rd Lane - Feasibility Report](#)

City Engineer Keely stated the proposed project is the second phase of a multi-year project to partially reconstruct the streets and improve stormwater runoff drainage in the industrial park area defined by 94th Lane on the north, Baltimore Street on the west, Radisson Road on the south and 93rd Lane Extension on the east. She stated the project is necessary, cost-effective and feasible and will result in a benefit for the properties proposed to be assessed.

Councilmember Hovland stated the intersection of 93rd Lane and Baltimore is a difficult intersection in the morning and afternoon due to the businesses to the east with the intersection becoming blocked. City Engineer Keely replied when the City worked with MnDOT a solution was not addressed because Baltimore is too close to Highway 65 for further traffic control.

Councilmember Hovland suggested the intersection be made into a three way stop. City Engineer Keely stated when the construction plans come back for approval she will bring additional information for stop sign warrants.

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

13. OTHER BUSINESS

Councilmember Kolb stated the Parks and Recreation booklet is published with lots of activities in the City for residents. She and Mayor Ryan thanked the Parks and Recreation staff for their work on the booklet.

14. ADJOURNMENT

Moved by Councilmember Herbst, seconded by Councilmember Swanson, to adjourn the meeting at 9:15 p.m.