

CITY OF BLAINE
ANOKA COUNTY, MINNESOTA
CITY COUNCIL MEETING
Thursday, June 7, 2018

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 TO THE FLAG

ROLL CALL

PRESENT: Mayor Tom Ryan, Councilmembers Dave Clark (joined the meeting via Skype at 7:39 p.m. from Quinlan Community Center, 10185 North Stelling Road in Cupertino, California 95074), Andy Garvais, Wes Hovland, Julie Jeppson, Jason King, and Dick Swanson.

ABSENT: None.

Quorum Present.

ALSO PRESENT: City Manager Clark Arneson; Planning and Community Development Director Bryan Schafer; Police Chief/Safety Services Manager Brian Podany; 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; Communications Technician Roark Haver; Senior Engineering Technician Jason Sundeen; and City Clerk Catherine Sorensen.

APPROVAL OF MINUTES

Workshop Meeting – May 3, 2018

Regular Meeting – May 3, 2018

Workshop Meeting – May 10, 2018

Workshop Meeting – May 17, 2018

Regular Meeting – May 17, 2018

Moved by Councilmember Swanson, seconded by Councilmember Jeppson, that the Minutes of Workshop Meeting of May 3, 2018, Minutes of the Regular Meeting of May 3, 2018, Minutes of Workshop Meeting of May 10, 2018, Minutes of Workshop Meeting of May 17, 2018, and the Minutes of the Regular Meeting of May 17, 2018 be approved.

Motion adopted. Councilmember Hovland and Councilmember King abstained on the May 10, 2018 Workshop meeting minutes due to their absence.

AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

Police Chief/Public Safety Services Manager Podany reported the Joyful Noise outdoor concert would be held on June 8 and June 9 at the National Sports Center. He encouraged residents to avoid the intersections of TH65/105th and TH65/109th on those dates.

COMMUNICATIONS

None.

OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:36 p.m.

Jessica Zwart, 12464 National Street NE, thanked the Council for considering changing City Ordinance regarding requiring pool fences. She encouraged the Council to not grandfather in current pool owners but rather suggested these homeowners comply with City Ordinance within the next 12 months. She stated she understood fences cost money and noted if the homeowner were not to comply, the City should step in, install a fence and assess the fee back to the property owner. She explained this recommendation was being made for safety purposes.

Ms. Zwart asked how many in-ground pools in the City did not have a fence. Mayor Ryan stated he was aware of two in-ground pools in Blaine without fences.

Councilmember Garvais suggested reviewing grandfathering existing pools during consideration of the item later in the agenda.

There being no input, Mayor Ryan closed the Open Forum at 7:38 p.m.

ADOPTION OF AGENDA

The agenda was adopted as amended moving 12.3 before the Consent Agenda.

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

9.1 Motion 18-81, Approve a Private On-Sale and Sunday Intoxicating Liquor License for Bonfire Restaurant Company, LLC DBA Axel's Bonfire, 4365 Pheasant Ridge Drive NE, Suite 102, Blaine, Minnesota.

City Clerk Sorensen stated staff received a letter from Bonfire Restaurant Company informing the City that Bonfire Restaurant Company LLC is undergoing a change of ownership of the corporation. As a result of the change of ownership, new private on-sale and Sunday intoxicating liquor licenses are necessary for the Axel's Bonfire located at 4365 Pheasant Ridge Drive NE Suite 102. Bonfire Restaurant Company, LLC dba Axel's Bonfire has submitted all required application materials and updated certificate of liquor liability insurance as this is considered a new license. The new owners of Bonfire Restaurant Company LLC are Michael Outlaw with 60 percent interest and Eric Gleit with 40 percent interest. As required by City Code, a criminal history check as it pertains to liquor licensing was conducted on the owners and responsible party Dean Marsh and no automatic disqualifiers were identified. A public hearing is required prior to the

approval of a Private On-Sale and Sunday intoxicating liquor license in the City of Blaine. The license, if approved, would become effective July 1, 2018 and eligible for renewal in 2019. All required information will be submitted to the State Liquor Control Department upon approval of the license by the Council.

Mayor Ryan opened the public hearing at 7:41 p.m.

There being no public input, Mayor Ryan closed the public hearing at 7:41 p.m.

Moved by Councilmember Jeppson, seconded by Councilmember Hovland, that Motion 18-81, "Approve a Private On-Sale and Sunday Intoxicating Liquor License for Bonfire Restaurant Company, LLC DBA Axel's Bonfire, 4365 Pheasant Ridge Drive NE, Suite 102, Blaine, Minnesota," be approved.

Motion adopted unanimously.

12. ADMINISTRATION

12.3 Resolution 18-114, Awarding the Sale of \$1,145,000 General Obligation Equipment Certificates of Indebtedness, Series 2018A; Fixing their Form and Specifications; Directing their Execution and Delivery; and Providing for their Payment.

Moved by Councilmember Garvais, seconded by Councilmember Hovland, that Resolution 18-114, "Awarding the Sale of \$1,145,000 General Obligation Equipment Certificates of Indebtedness, Series 2018A; Fixing their Form and Specifications; Directing their Execution and Delivery; and Providing for their Payment," be approved.

Finance Director Huss stated on May 3, 2017, Council approved Springsted, Inc. the City's Financial Advisor, to accept bids for the sale of \$1,145,000 general obligation equipment certificates of indebtedness to finance the purchase of a ladder truck and associated equipment for use by SBM Fire. Staff was pleased to report the City received very favorable bond results. The sale of the certificates was confirmed by the Cities of Mounds View and Spring Lake Park, the other two members of the Joint Power. The bonds will be repaid through a special debt service levy by the three participating cities according to each city's respective share as calculated annually pursuant to the JPA. As such, the certificates are considered general obligations of the cities. Bids were due this morning at 10 a.m. It was noted a representative from Springsted was available to discuss the final resolution, inform the Council of the bid results, and provide a recommendation for further action by the Council.

Terri Heaton, Springsted, reviewed the positive bid results with the Council and congratulated the City on their high bond rating. She reported the proposed bonds were for a term of five years.

Motion adopted unanimously.

APPROVAL OF CONSENT AGENDA:

Councilmember Jeppson requested the removal of agenda item 10.3.

Councilmember Hovland requested the removal of agenda item 10.4.

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

10.1 Motion 18-82, Schedule of Bills Paid.

10.2 Motion 18-83, Approve 2018-2019 Liquor License Renewals.

~~10.3 Motion 18-84, Approve Therapeutic Massage Enterprise License for Asian Massage, 10561 University Avenue NE.~~

~~10.4 Motion 18-85, Approve a Carnival License for Amusement Attractions at Aquatore Park for the Blaine Festival, June 22 through June 24, 2018.~~

10.5 Motion 18-86, Approve a Temporary On-Sale Intoxicating Liquor License for Sgt. John Rice VFW, 1374 109th Avenue NE, Blaine.

10.6 Motion 18-87, Authorize City Manager to Enter into an Agreement with Rice Creek Watershed District for the City owned property at 12260 Lexington Avenue.

Ms. Sorensen reported the Tavern Grill liquor license approval was contingent upon completing floor updates in their kitchen by November 1, 2018.

Motion adopted unanimously.

10.3 Motion 18-84, Approve Therapeutic Massage Enterprise License for Asian Massage, 10561 University Avenue NE.

Moved by Councilmember Jeppson, seconded by Councilmember Hovland, that Motion 18-84, "Approve Therapeutic Massage Enterprise License for Asian Massage, 10561 University Avenue NE," be approved.

Councilmember Jeppson asked if this request was for a license renewal or a new license. Ms. Sorensen reported the existing location has been purchased by a new owner, which required a new license.

Councilmember King requested further information on how the Police Department conducts active enforcement for therapeutic massage establishments in the City of Blaine. Chief Podany described how the Blaine Police Department addressed sex trafficking and noted Anoka County had two investigators that addressed trafficking as well.

Motion adopted unanimously.

10.4 Motion 18-85, Approve a Carnival License for Amusement Attractions at Aquatore Park for the Blaine Festival, June 22 through June 24, 2018.

Moved by Councilmember Hovland, seconded by Councilmember Jeppson, that Motion 18-85, "Approve a Carnival License for Amusement Attractions at Aquatore Park for the Blaine Festival, June 22 through June 24, 2018," be approved.

Councilmember Hovland encouraged the public to participate in the Blaine Festival which would be held June 22 through June 24.

Motion adopted unanimously.

DEVELOPMENT BUSINESS

11.1 Resolution No. 18-104, Granting Final Plat Approval to Subdivide 80 Acres into 1 Lot and Three (3) Outlots to be known as Lexington Meadows located at 10840 Lexington Avenue NE. Wellington Management, Inc. (Case File NO. 17-0026/LSJ).

Moved by Mayor Ryan, seconded by Councilmember Swanson, that Resolution No. 18-104, “Granting Final Plat Approval to Subdivide 80 Acres into 1 Lot and Three (3) Outlots to be known as Lexington Meadows located at 10840 Lexington Avenue NE,” be approved.

Planning and Community Development Director Schafer stated the City Council approved a preliminary plat for Lexington Meadows on May 3, 2018. This is the proposed development on the southwest corner of Lexington Avenue and 109th Avenue and Wellington Management is the developer of the project. Lot 1, Block 1 will be a senior housing project for Dominion. The proposed final plat creates 1 new lot on the 80-acre parcel and three outlots. The outlots will be used for commercial/industrial uses/right-of-way/storm drainage and wetlands in the future. He reported Wellington hopes to begin site work on this project yet this summer.

Councilmember King asked if Austin Street would be a lighted interchange. Mr. Schafer stated long-term this would be a lighted interchange once the intersection meets warrants.

Motion adopted unanimously.

11.2 Resolution No. 18-105, Granting a 1,900 Square Foot Variance to allow for 2,900 Square Feet of Accessory Garage Space in the R-1 (Single Family) Zoning District at 7070 89th Avenue NE. Church of St. Timothy. (Case File NO. 18-0022/NBL).

Moved by Mayor Ryan, seconded by Councilmember Hovland, that Resolution No. 18-105, “Granting a 1,900 Square Foot Variance to allow for 2,900 Square Feet of Accessory Garage Space in the R-1 (Single Family) Zoning District at 7070 89th Avenue NE,” be approved.

Mr. Schafer stated St. Timothy's Catholic Church has owned this site for over 50 years. Back in 1990, St. Timothy's was granted a variance to allow for 2,000 square feet of accessory garage space in the R-1 (Single Family) zoning district and in conjunction they were also granted a Conditional Use Permit to allow for the expansion of the church facility in the R-1 (Single Family) zoning district. The Church is now requesting a variance to allow for 2,900 square feet of accessory garage space in the R-1 (Single Family) zoning district, and they are also requesting conditional use permit amendment to allow for the expansion of the church facility in the R-1 (Single Family) zoning district. It was noted the R-1 (Single Family) zoning ordinance does not contain specific standards (beyond setback requirements) for churches. This means that accessory buildings for churches or schools must follow the same standards as accessory buildings for single-family homes. If the variance is granted the City may want to look at amending this part of the zoning to allow more flexibility for schools and churches on larger residential parcels.

Councilmember King asked if the neighbors were notified of the request. Mr. Schafer reported the neighbors received a notification from the City and explained staff received no comments from the public.

Motion adopted unanimously.

11.3 Resolution No. 18-106, Granting a Conditional Use Permit to Allow for Expansion of a Church Facility in an R-1 (Single Family) Zoning District by Adding 900 Square Feet of Accessory Space located at 7070 89th Avenue NE. (Case File No. 18-0022/NBL).

Moved by Councilmember Hovland, seconded by Councilmember King, that Resolution No. 18-106, "Granting a Conditional Use Permit to Allow for Expansion of a Church Facility in an R-1 (Single Family) Zoning District by Adding 900 Square Feet of Accessory Space located at 7070 89th Avenue NE," be approved.

Mr. Schafer stated church facilities are a conditional use in the R-1 (Single Family) zoning district and that St. Timothy's Church was requesting to build a 900 square foot cold storage building to the west of the existing 1,976 square foot cold storage building. A conditional use permit amendment is required in order to allow for the proposed new building.

Motion adopted unanimously.

11.4 Resolution No. 18-107, Granting a Conditional Use Permit to Allow for a Shared Driveway/Access between Two Adjacent Parcels located at 4400 Ball Road. Tecnifoam. (Case File No. 18-0026/SLK).

Moved by Councilmember Hovland, seconded by Councilmember Swanson, that Resolution No. 18-107, "Granting a Conditional Use Permit to Allow for a Shared Driveway/Access between Two Adjacent Parcels located at 4400 Ball Road," be approved.

Mr. Schafer stated Tecnifoam occupies the building at 4400 Ball Road and are proposing to construct another building on the adjacent lot to the east. The applicant would like to provide an access (dock door and drive in door) from the west side of the newly constructed building. The access to these two doors would be from their existing building parking lot and east side of the existing building. Site plan approval will be required and will include the submission of a Site Improvement Performance Agreement and financial guarantee.

Motion adopted unanimously.

11.5 Resolution No. 18-109, Granting a Conditional Use Permit to Allow for a 22,500 Square Foot Indoor Entertainment and Recreation Facility in a PBD (Planned Business District) Zoning District located at 10650 Baltimore Street NE. Jim and Marilyn Webber. (Case File No. 18-0016/NBL).

Moved by Councilmember King, seconded by Councilmember Hovland, that Resolution No. 18-109, "Granting a Conditional Use Permit to Allow for a 22,500 Square Foot Indoor Entertainment and Recreation Facility in a PBD (Planned Business District) Zoning District located at 10650 Baltimore Street NE," be approved.

Mr. Schafer stated the PBD (Planned Business District) requires a conditional use permit for all uses including for amusement and recreational uses. This conditional use permit request is for a 22,500 square foot indoor amusement and recreation facility. At this time, the facility will be referred to as Blaine Family Entertainment Center, which will consist of a variety of activities including bumper cars, laser tag, a climbing wall, mini bowling, an XD theater, a ropes course, and several other games.

Councilmember Clark asked if the applicant would be asking for a liquor license in the future. Jim Webber, owner of Fun Lab, noted he would be applying for a beer and wine license after he receives a food license from Anoka County.

Mayor Ryan wished the Webbers all the best in their new venture.

Motion adopted unanimously.

11.6 Motion 18-88, Approve an Amusement Center License for Blaine Entertainment Partners, Inc. DBA The Fun Lab, 10650 Baltimore Street NE.

Moved by Councilmember Hovland, seconded by Councilmember Jeppson, that Motion 18-88, "Approve an Amusement Center License for Blaine Entertainment Partners, Inc. DBA The Fun Lab, 10650 Baltimore Street NE," be approved.

Ms. Sorensen stated James Webber, Blaine Entertainment Partners Inc. dba The Fun Lab, has submitted an application for an amusement center license to operate an indoor amusement center at the former Gander Mountain location at 10650 Baltimore Street NE. The applicant has submitted a fee of \$1,050 for 60 devices and has submitted all necessary documentation required by City ordinance.

Motion adopted unanimously.

11.7 Resolution No. 18-108, Granting a Conditional Use Permit Amendment to Allow for an Existing 66,000 Square Foot Single Tenant Retail Building in a PBD (Planned Business District) Zoning District to Become a Multi-Tenant Building Composed of a Mix of Retail Uses located at 10650 Baltimore Street NE. Gonzalo Medina. (Case File No. 18-0028/NBL).

Moved by Councilmember Garvais, seconded by Councilmember Hovland, that Resolution No. 18-108, "Granting a Conditional Use Permit Amendment to Allow for an Existing 66,000 Square Foot Single Tenant Retail Building in a PBD (Planned Business District) Zoning District to Become a Multi-Tenant Building Composed of a Mix of Retail Uses located at 10650 Baltimore Street NE," be approved.

Mr. Schafer stated this application is for the former Gander Mountain site which was developed in 2006, with the approval of the conditional use permit Resolution 05-245, and vacated at the end 2017. Given that the owner wishes to subdivide the building into three (3) tenant spaces at this time, there will be minimal necessary site work. There is an existing, non-conforming, billboard on site. In the original conditional use permit issued for Gander Mountain in 2005, a condition of approval was that the existing billboard was to be removed no later than August 31, 2016 when the lease agreement for the billboard was set to expire. The property owner has been in contact with the responsible party and is currently working on getting the billboard removed at this time.

Motion adopted unanimously.

11.8 Resolution No. 18-110, Granting a Conditional Use Permit to Allow for the Construction of a 16,225 Square Foot Hardware Store (Harbor Freight) in a PBD (Planned Business District) Zoning District on a 1.45 Acre Lot in North Central Commons located at 11727 Ulysses Lane NE. Harbor Freight Tools. (Case File No. 18-0031/LSJ)

Moved by Councilmember King, seconded by Councilmember Hovland, that Resolution No. 18-110, "Granting a Conditional Use Permit to Allow for the Construction of a 16,225 Square Foot Hardware Store (Harbor Freight) in a PBD (Planned Business District) Zoning District on a 1.45 Acre Lot in North Central Commons located at 11727 Ulysses Lane NE," be approved.

Mr. Schafer stated Harbor Freight Tools is proposing to construct a building located on the northeast corner of 117th Avenue and Ulysses Lane NE. The site is zoned PBD (Planned Business District) and each use in this district requires a conditional use permit. In addition, the site needs to meet the Highway 65 Overlay District requirements for landscaping and building elevations. The building being proposed is 16,225 square feet in size. The building has a front entrance facing the north with a loading area/delivery area on the west side of the building. The applicant has added a 12-foot high integral color rock face block wall on the west side of the delivery area to block the view of the trucks that are parked in that area.

Andy Berg, Kimley Horn, introduced himself to the Council and noted he was the architect for this project. He reported this store would be a general retail store for tools and equipment.

Councilmember King asked why the building did not have more windows. Mr. Berg commented he was working with staff to enhance the exterior façade. He noted windows have been added to three of the four elevations. It was noted only the west side would not have windows as this was the loading area.

Mayor Ryan welcomed Harbor Freight to the City of Blaine.

Motion adopted unanimously.

11.9 Resolution No. 18-111, Granting Preliminary Plat Approval to Plat 37 Acres as One (1) Lot to be known as Anoka Hennepin Third Addition located at 12576 Lever Street NE. Anderson-Johnson Associates, Anoka-Hennepin School District 11. (Case File No. 17-0052/LSJ).

Moved by Councilmember Hovland, seconded by Councilmember Clark, that Resolution No. 18-111, “Granting Preliminary Plat Approval to Plat 37 Acres as One (1) Lot to be known as Anoka Hennepin Third Addition located at 12576 Lever Street NE,” be approved.

Mr. Schafer stated in February 2018, the City Council approved a conditional use permit that allows for the construction of a new elementary school for the Anoka Hennepin School District on the northwest corner of Lever Street and 125th Avenue. The proposed school will serve Pre-K through 5th grade students and it will be approximately 136,000 square feet. As part of the resolution of approval for the conditional use permit (Resolution 18-24), a preliminary plat was required to be submitted to establish easements over wetlands, storm water areas, streets, trails and right-of-access for the project. It was noted the plat is currently under review at the Anoka County Highway Department and the proposed plat will need to address and incorporate comments that the county offers in their review.

Motion adopted unanimously.

11.10 Resolution No. 18-93, Granting a Conditional Use Permit to Allow for Multiple Buildings on One Lot, Contractor Yard with Outside Storage of Materials and Equipment, Periodic Crushing of Concrete Demolition Materials, and Special Purpose Fencing at 10201 Xylite Street NE. Park Construction Company (Case File No. 17-0058/BKS).

Moved by Mayor Ryan, seconded by Councilmember King, that Resolution No. 18-93, “Granting a Conditional Use Permit to Allow for Multiple Buildings on One Lot, Contractor Yard with Outside Storage of Materials and Equipment, Periodic Crushing of Concrete Demolition Materials, and Special Purpose Fencing at 10201 Xylite Street NE,” be approved.

Mr. Schafer noted this item was tabled by the Council at their May 17, 2018 meeting and was back for consideration.

Mayor Ryan asked if there were any comments from the public.

Mark Rohrer, 10325 Xylite Street, explained I-2 and R-1B were zoning districts that should not be adjacent to each other. He indicated the City was trying to justify this by maintaining a wetland buffer between the two uses. He understood this land should be developed but requested it have the proper buffer in place. He noted that a conditional use was not a right to any landowner. He discussed how having multiple buildings and a contractor yard would negatively impact his property value. He requested the City Council be accountable and protect his land value by denying this request.

Jeff Carlson, Park Construction, reported his plans for the property have not changed. He stated he believed the plan for this site was a good plan because he would be fencing his property. He encouraged the Council to support his plan and noted he looked forward to moving his business to the City of Blaine.

Mayor Ryan indicated he visited this property and spoke at length with Mr. Carlson regarding his plans. He explained for the record, this property has been zoned Heavy Industrial for quite some time. He stated the applicant would be leaving a number of trees on the site which would assist in buffering the new facility from the adjacent neighborhood. He commented he would be offering his support to the request.

Councilmember Swanson asked if the request before the Council would allow for crushing. Mr. Schafer reported the recommendation before the Council was to not allow crushing.

Councilmember Hovland stated he had concerns with the fact the proposed contractor yard was not compatible with the adjacent land uses. He explained there was a potential the adjacent land values would be impacted if the Council were to approve this request. For this reason, he indicated he would not be supporting the conditional use permit.

Councilmember Jeppson commented she agreed with Councilmember Hovland. She stated she had concerns with how traffic would be impacted if this business were to locate in the neighborhood. She explained she would be voting against this project due to the fact it would adversely impact property values and would create traffic concerns.

Councilmember King questioned if the Council was able to consider depreciation concerns. City Attorney Sweeney advised City Ordinance does not have a definition for depreciation but noted one could argue that a value could go down from today to a future date.

Councilmember Garvais stated some of the issues brought up by the residents have been mitigated by Park Construction. However, he had great concern with how property values would be impacted if this business were to locate adjacent to this neighborhood. He commented on the letters that had been submitted to the City by realtors and an attorney speaking to how these home values would depreciate and how nothing was submitted by the applicant to address those concerns. He noted he would not be able to support the conditional use permit request.

Councilmember Clark commented on how homeowners living in The Sanctuary neighborhood need to understand that this property will develop at some point in the future. He reported this property would develop with an industrial use, which meant trees would be lost, the view would change and traffic would increase and encouraged residents to accept this fact. He stated he was willing to support I-2 zoning for this

property but because of the adjacent residential and the negative impact this could have on their property value, he noted he would not support the conditional use.

Councilmember Swanson discussed the legal rights the property owner had to sell his property to an industrial user.

Mayor Ryan stated he agreed with Councilmember Clark in that the neighborhood would have to come to the understanding that an industrial use would be located on this property. He shared his opinion that the the proposed use would be a good fit for the neighborhood when considering what else could locate on this land in the future.

Councilmember Clark - nay
Councilmember Garvais - nay
Councilmember Hovland - nay
Councilmember Jeppson - nay
Councilmember King - nay
Councilmember Swanson - aye
Mayor Ryan – aye

Motion failed 2-5.

Councilmember Clark recommended the Council consider Resolution 18-116 which was drafted by the City Attorney denying the Conditional Use Permit.

Moved by Hovland, seconded by Councilmember Jeppson, that Resolution No. 18-116, “Denying a Conditional Use Permit to Allow for Multiple Buildings on One Lot, Contractor Yard with Outside Storage of Materials and Equipment, Periodic Crushing of Concrete Demolition Materials, and Special Purpose Fencing at 10201 Xylite Street NE,” be approved.

Councilmember Clark - aye
Councilmember Garvais - aye
Councilmember Hovland - aye
Councilmember Jeppson - aye
Councilmember King - aye
Councilmember Swanson - nay
Mayor Ryan – nay

Motion adopted 5-2.

11.11 Resolution No. 18-94, Granting Preliminary Plat Approval to Subdivide an 18.5 Acre Outlot into One (1) Lot to be Known as Park Place located at 10201 Xylite Street NE. Park Construction Company. (Case File No. 17-0058/BKS).

Mr. Schafer explained the property owner would have to decide whether or not to move forward with the preliminary plat given the action the Council took on the Conditional Use Permit.

Gary Larson, property owner, explained he would like to move forward with the preliminary plat application. He commented on how his property value has been impacted over the years and expressed frustration with the fact he could not find a user.

Moved by Councilmember Garvais, seconded by Councilmember Jeppson, that Resolution No. 18-94, "Granting Preliminary Plat Approval to Subdivide an 18.5 Acre Outlot into One (1) Lot to be Known as Park Place located at 10201 Xylite Street NE," be approved.

Motion adopted 6-0-1 (Councilmember Hovland was absent for the vote).

11.12 First Reading – Ordinance No. 18-2407, Amending Section 30.14 and 30.24 of the Zoning Ordinance of the City of Blaine to Amend Restrictions for Car Rental Agency as a Conditional Use in the B-2 and B-3 Zoning Districts. City of Blaine. (Case File No. 18-0033/BKS).

Mr. Schafer stated the B-2 and B-3 zoning chapters both allow smaller scale Vehicle Rental Agencies to be located in those districts but limits their location by requiring them to be part of or on the same parcel as an automotive repair or vehicle sales lot. Recently the City Council discussed this issue and suggested that the B-2 and B-3 code could allow this use throughout the district and not require car rental to be part of another automotive repair or vehicle sales use. The proposed code amendment addresses this issue by simply removing the language requiring the connection or association with an auto repair or vehicle sales use. The amendment also cleans up language regarding the number of vehicles allowed on site.

Declared by Mayor Ryan that Ordinance No. 18-2407, "Amending Section 30.14 and 30.24 of the Zoning Ordinance of the City of Blaine to Amend Restrictions for Car Rental Agency as a Conditional Use in the B-2 and B-3 Zoning Districts," be introduced and placed on file for second reading at the June 21, 2018 Council meeting.

11.13 First Reading – Ordinance No. 18-2408, Amending Section 18-421 and Section 18-424 of the Municipal Code of the City of Blaine relating to Location and Security of Swimming Pools. City of Blaine. (Case File No. 18-0034/BKS).

Mr. Schafer explained late last fall, a homeowner contacted the City Council and asked that the City look at the code to consider removing powered covers as an option. Her concern was that a fence with a gate was more likely to provide a secure barrier from a neighbor's pool. She lived next door to one of the pools installed with a powered cover versus a fence and was concerned about her own children's safety. While many in-ground pools have a powered cover, only two (2) of the 14 in-ground pools have made that choice their security requirement. The vast majority of homeowners still are choosing to have fences in place to meet the security requirement. It was the Council's consensus at the May 3, 2018 City Council workshop to discontinue allowing pool covers as a security/safety option.

Declared by Mayor Ryan that Ordinance No. 18-2407, "Amending Section 18-421 and Section 18-424 of the Municipal Code of the City of Blaine relating to Location and Security of Swimming Pools," be introduced and placed on file for second reading at the June 21, 2018 Council meeting.

11.14 Resolution No. 18-113, Accept Transfer of Land from the Blaine EDA, Outlot A, Meadows of Rice Creek.

Moved by Councilmember Swanson, seconded by Mayor Ryan, that Resolution No. 18-113, "Accept Transfer of Land from the Blaine EDA, Outlot A, Meadows of Rice Creek," be approved.

Economic Development Coordinator Thorvig stated the Meadows of Rice Creek subdivision was platted in 1997. As part of the plat the developer dedicated land in lieu of park dedication. The park is identified as Xylite Park. For some reason the developer deeded a portion of the park to the Blaine EDA rather than the

City of Blaine. The error was recently discovered and the proposed action transfers the land from the Blaine EDA to the City of Blaine. The lot is classified by Ordinance in the City Code as a park.

Motion adopted unanimously.

ADMINISTRATION – continued

12.1 Motion 18-89, Approve a Special Event License for a 5K Sport Race located at the National Sports Center at 1700 105th Avenue NE.

Moved by Councilmember King, seconded by Councilmember Hovland, that Motion 18-89, “Approve a Special Event License for a 5K Sport Race located at the National Sports Center at 1700 105th Avenue NE,” be approved.

Ms. Sorensen stated Cameron Krugerud, applicant for Pursuit Fitness, has filed an application for a 5K Sport Race located at the National Sports Center, 1700 105th Avenue NE on Saturday, August 25, 2018 from 7:00 a.m. to 4:00 p.m. Mr. Krugerud has deposited with the City a \$200 license fee and a certificate of insurance covering this event. The certificate of insurance names the City as an additional insured. A background check for Cameron Krugerud has been completed by the Blaine Police Department and no problems or complaints are on file. The event’s estimated attendance is 100-500 people. They will not be serving alcohol or having any amplified music.

Councilmember Garvais asked how the event sponsor would address the cancellation of the event should the weather become inclement. Ms. Sorensen reported staff could inform the applicant cancellation and refunding for the event would be the sole responsibility of the applicant.

Motion adopted unanimously.

12.2 Motion 18-90, Approve Joint Powers Agreement with Anoka-Hennepin School District in regards to Park Improvements at New Elementary School Site.

Moved by Councilmember Hovland, seconded by Councilmember King, that Motion 18-90, “Approve Joint Powers Agreement with Anoka-Hennepin School District in regards to Park Improvements at New Elementary School Site,” be approved.

Public Services Manager/Assistant City Manager Therres stated as part of the development of the new elementary school that Anoka-Hennepin School District is building on the corner of 125th Ave. and Lever Street they are constructing some playgrounds. This led to discussion between the City and Anoka-Hennepin about working together on a joint playground that would meet the needs of both the City and the School District. The proposed Joint Powers Agreement is for the development of a joint playground where the City will reduce the Park Dedication Fee due from construction of the Elementary School by \$100,000 in exchange for enhanced play areas, enhanced surfacing of the playground areas and constructing a 20 x 20 Shelter in the play areas. It was noted this playground would serve as the neighborhood park for this area.

Councilmember Swanson commented he would not be supporting this request due to the fact residents would not have access to the park during school hours.

Motion adopted 6-1 (Councilmember Swanson opposed).

12.4 Resolution 18-115, Authorizing Solicitation of Contributions to Fund Events that Foster Positive Relationships Between Law Enforcement and the Community.

Moved by Mayor Ryan, seconded by Councilmember Jeppson, that Resolution 18-115, “Authorizing Solicitation of Contributions to Fund Events that Foster Positive Relationships Between Law Enforcement and the Community,” be approved.

Chief Podany reported cities previously could not fund Night to Unite events. Historically Minnesota cities have not had explicit authority to spend money or fundraise for Night to Unite and other similar events but during the 2017 legislative session the House and Senate passed a bill making it legal for cities to raise and spend money for the specific purpose of funding an event within city limits meant to foster positive relationships between police departments and the community. This new law, codified as Minnesota Statutes, section 471.198, allows cities to not only spend money on these events but also provides the unprecedented and very limited authority to solicit funds for these events as long as City Council clearly gives that direction by resolution and the events foster positive relationships between law enforcement and the community.

Motion adopted unanimously.

OTHER BUSINESS

Councilmember Swanson asked if the State would allow public officials to Skype from military installations. Ms. Sorensen explained this bill did move forward to a senate committee. She indicated this would be addressed again in 2019 by the Met Council.

ADJOURNMENT

Moved by Councilmember Hovland, seconded by Councilmember King, to adjourn the meeting at 8:57 p.m.

Tom Ryan, Mayor

ATTEST:

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