

CITY OF BLAINE
ANOKA COUNTY, MINNESOTA
CITY COUNCIL MEETING
Monday, April 19, 2021

7:30PM
Council Chambers
10801 Town Square Drive

CALL TO ORDER BY MAYOR SANDERS

The meeting was called to order at 7:31PM by Mayor Sanders followed by the Pledge of Allegiance and the Roll Call. Due to the COVID-19 pandemic this hybrid meeting was held both virtually and in person.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Tim Sanders, Councilmembers Wes Hovland, Julie Jeppson, Chris Massoglia, Richard Paul, Jess Robertson and Jason Smith.

ABSENT: None.

Quorum Present.

ALSO PRESENT: City Manager Michelle Wolfe; Community Development Director Erik Thorvig; City Planner Lori Johnson; Public Works Director Jon Haukaas; Police Chief/Safety Services Manager Brian Podany; Finance Director Joe Huss; City Engineer Dan Schluender; City Attorney Chris Nelson; Communications Manager Ben Hayle; and City Clerk Catherine Sorensen.

AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

4.1 Proclamation – Arbor Day 2021.

Mayor Sanders read a proclamation in full for the record declaring April 30, 2021 to be Arbor Day and the month of May to be Arbor Month in the City of Blaine. It was noted a tree sale would be hosted on May 8, 2021. He thanked the residents of Blaine for protecting, valuing and planting trees in the community.

Public Works Director Haukaas stated the public works department was very proud of its achievements. He thanked City Forester Marc Shippee for fielding calls from residents regarding trees. He indicated the annual tree sale has been an extremely popular event and explained the event would be streamlined this year due to COVID.

COMMUNICATIONS

None.

OPEN FORUM FOR CITIZEN INPUT

Mayor Sanders opened the Open Forum at 7:35PM.

Elmer Stevenson, 125th and Zest Street, inquired about the status of the proposed intersection plans at Zest Street. Mr. Haukaas reported Anoka County has agreed the Zest Street intersection would be a full access intersection and would be designed to have a signal in the future.

There being no further input, Mayor Sanders closed the Open Forum at 7:37PM.

ADOPTION OF AGENDA

The agenda was adopted as amended moving Item 11.4 prior to Development Business.

APPROVAL OF CONSENT AGENDA

Moved by Councilmember Hovland, seconded by Councilmember Massoglia, that the following be approved as amended adding Item 8.12 Schedule of Bills Paid and Item 8.13 Approval of Minutes:

8.1 Resolution 21, 065, Approve Plans and Specifications and order Advertisement for Bids for the 2021 Street Reconstruction, Improvement Project No. 21-06.

8.2 Resolution 21-066, Wetland Credit Sales for the Tavera Development.

8.3 Resolution No. 21-067, Declare Cost to be Assessed, Order Preparation and Call for Hearing on Proposed Assessment for the 2020 Street Reconstructions, Improvement Project No. 19-07.

8.4 Resolution 21-068, Declare Cost to be Assessed, Order Preparation and Call for Hearing on Proposed Assessments for the Reconstruction of Pheasant Ridge Drive NE from Lexington Avenue NE to 1700 Feet West from Lexington Avenue NE, Improvement Project No. 16-14.

8.5 Resolution 21-069, Receive Petition and Order Public Hearing for Vacation of Drainage and Utility Easement, Outlot E, Springbrook 2nd Addition, Vacation No. V21-01.

8.6 Resolution 21-070, Receive Petition and Order Public Hearing for Vacation of Drainage and Utility Easements, Lot 4, Block 1, Mary and Jeffs First Addition, Vacation No. V21-02.

8.7 Resolution 21-071, Receive Petition and Order Public Hearing for Vacation of Drainage and Utility Easements, Lot 1, Lot 2, and Lot 3, Block 1, Mary and Jeffs First Addition, Vacation No. V21-03.

8.8 Resolution 21-072, Receive Petition and Order Public Hearing for Vacation of Flanders Street Right-of-Way, Mary and Jeffs First Addition, Vacation No. V21-04.

8.9 Resolution 21-073, Approve Plans and Specifications and Order Advertisement for Bids for the 132nd Avenue/Hastings Street Area Rehabilitations, Improvement Project No. 21-07.

8.10 Motion 21-61, Approve 2021-2022 Kennel Licenses.

8.11 Motion 21-62, Approve New Vending Truck License for Adnan Hasan of Dan Ice Cream.

8.12 Motion 21-64, Schedule of Bills Paid.

8.13 Motion 21-65, Approval of Minutes.

A roll call vote was taken. Motion adopted unanimously.

7:30PM - PUBLIC HEARINGS AND ITEMS SET FOR A CERTAIN TIME

9.1 Resolution No. 21-074, Adopting Assessment for Clover Leaf Parkway Area Street Reconstructions, Improvement Project No. 18-18.

City Engineer Schluender stated Improvement Project No. 18-18 included the Clover Leaf Parkway Area reconstruction. Phase 1 of the project was constructed in 2019 and included Clover Leaf Parkway from Trunk Highway 65 to Polk Street, 93rd Lane from Trunk Highway 65 to Isanti Street, Central Avenue and Lincoln Street from Clover Leaf Parkway to terminus within Aquatore Park. Phase 2 of the project was constructed in 2020 and included Clover Leaf Parkway from Polk Street to 99th Avenue. The improvements included repair/ replacement of concrete curb and gutter and sidewalk, storm drainage improvements, minor water main improvements, asphalt surface replacement, traffic control signage and appurtenant construction. Staff reviewed the project costs and explained the Assessment Roll has been prepared consistent with the Feasibility Report. Of the total cost, the amount to be assessed is \$714,825.21. The Public Utility Funds will contribute \$151,266.45 for water and sanitary sewer improvements, Municipal State Aid System (MSAS) funds will contribute \$1,000,000.00 and Pavement Management Program funds will contribute \$2,007,845.67. Staff requested the council hold a public hearing and adopt the proposed assessments.

Mayor Sanders opened the public hearing at 7:49PM.

Mary Lou Pittman, 9842 Clover Leaf Parkway, expressed concern regarding her proposed assessment. She did not believe it was fair for her and her 24 neighbors to pay for this project when the surrounding neighborhood would be benefiting. She reported the adjacent cul-de-sacs could go nowhere unless they use Clover Leaf Parkway. She explained she was against the proposed assessment on her property.

Joyce Berg, 486 95th Lane, stated she lived in the Monroe Street Townhome Association. She asked why other residents on Clover Leaf Parkway were not being assessed. She indicated there were two cul-de-sacs that were not being assessed for this project.

Mr. Schluender discussed the city's assessment policy and reviewed the parcels that were being assessed for this project. He described how properties were charged based on street frontage. He commented on how single family homes, quad homes and townhomes were assessed versus high density residential properties. He indicated the quad homes that have driveways onto the cul-de-sacs will be assessed when the cul-de-sacs are replaced.

Pamela Reiter, 456 95th Lane, reported her driveway does not access Clover Leaf Parkway and therefore she should not be assessed.

Mr. Schluender explained the city's assessment policy allows the city to assess properties that abut the project area. He reported Ms. Reiter's townhome association abuts the project area and was therefore being assessed.

Public Works Director Haukaas reported as the city developed the assessment policy, townhomes were treated differently than single family homes. He commented any frontage along a project area for a townhome association was assessed.

City Attorney Nelson reiterated that if anyone plans to object to their assessment an objection must be received in writing at this time.

Councilmember Hovland asked if senior deferral requests should be made at this time. Mr. Nelson explained in order to challenge an assessment an objection must be made at this time. He reported a deferral request could be made at a later date.

Councilmember Hovland encouraged the seniors in attendance to consider requesting an assessment deferral. He stated this would not make the assessment go away, but would defer the payment until the property is sold or transferred. He commented further on the amount of money the city pays for the street reconstruction projects through the Pavement Management Program.

Mr. Schluender reported staff had received a request for the senior deferral from the property owners at 9863 Clover Leaf Parkway.

Mary Picotte, 480 95th Lane, questioned if her townhome association would be assessed again for 95th Lane when that roadway was redone. Mr. Schluender reported this would not occur.

Ms. Pittman stated again that she was the only person among the 24 tenants that was aware of the street assessment. She questioned when the cul-de-sacs would be graded.

Mayor Sanders requested staff discuss the notification process. Mr. Schluender reported everyone on the corridor that was proposed to be assessed was issued a notification of this public hearing.

Ms. Pittman commented there were six new homeowners who were going to be surprised when they learn they are responsible for paying close to \$3,000 for a street that 108 people use and only 24 people are paying for. She believed the city's assessment policy was unfair and the council owes the 24 people more time. She noted she lost her husband since this project began and her finances were tight then indicated she was opposed to the assessment.

Mr. Schluender stated when the council initiated this project in 2019 a pending assessment was put on all parcels based on the feasibility report. He explained this meant that any sale or contingent sale would have shown a pending assessment.

There being no additional public input, Mayor Sanders closed the public hearing at 8:04PM.

Councilmember Hovland requested staff reach out to Ms. Pittman to discuss the senior deferral program. He discussed how difficult it was to navigate through these policies and encouraged the city to accommodate deferral requests.

Councilmember Jeppson understood this assessment would be a strain for those living on a fixed income. She reported there was a great deal of stimulus money coming into the state for those facing hardships. She indicated the city would be getting a significant number of dollars to help residents and local programs. She questioned if these dollars could be used to assist those facing a hardship.

Mayor Sanders requested staff investigate this further.

Councilmember Robertson asked what happened when the city received an objection to an assessment. She indicated this would not negate the need to pay the assessment. Mr. Nelson reported this was correct. He stated upon the city's receipt of receiving an objection,

the objector would have 30 days to perfect the objection by filing it in district court. He reiterated that all objections must be filed at this meeting whether in writing or virtually to preserve the right to challenge an assessment.

Councilmember Robertson discussed how difficult the last year has been on seniors. She encouraged the city to provide additional information on programs available to seniors to assist with paying off assessments. She stated she would like to further discuss this topic at a future workshop meeting.

Councilmember Paul commented the project was ordered in 2019 and was now completed. He supported the city finding a way to do things differently in the future for seniors. He asked for further information on the letter that was sent to the residents within the project area. Mr. Schluender discussed the language that was included in the letter, noting it was similar to the language used in the resolution.

Mr. Nelson reported the city has a program in place to assist seniors whom the assessment would be hardship, through the senior deferral program. He encouraged all property owners who qualify for the program to explore this option. He stated these assessments would then exist as a lien on the property and paid in full once the property sells at some point in the future.

Councilmember Jeppson indicated this was a great program for seniors, but she anticipated there were other residents in the community who were also struggling. She supported the city finding a program or option to assist people that were in need.

Councilmember Massoglia commented he understood the concern regarding the cul-de-sacs. He questioned if it would make sense to include the properties on the cul-de-sacs in this project and asked when these cul-de-sacs would be replaced. Mr. Schluender stated because there were no improvements to the properties living on the cul-de-sacs these properties could not be assessed. He indicated these cul-de-sacs were not on the five year plan for the city.

Councilmember Hovland stated she supported Councilmember Jeppson's comments and encouraged staff to look into providing assistance through the American Rescue Plan funding. He questioned how new property owners were being informed about the pending assessment as he was concerned they were unaware of the assessment. Mr. Schluender stated it was his understanding once the council initiates a project, properties have a pending special assessment placed on them from Anoka County. He noted he hears from property owners trying to sell and these assessments are coming up on the title searches.

Mayor Sanders said he understood no one likes to be assessed but also understood how important it was for the city to maintain its infrastructure and streets. He supported the council having a future discussion regarding the city's assessment policy.

Moved by Mayor Sanders, seconded by Councilmember Hovland, that Resolution No. 21-074, "Adopting Assessment for Clover Leaf Parkway Area Street Reconstructions," be approved.

A roll call vote was taken. Motion adopted unanimously.

ADMINISTRATION

11.4 Resolution 21-083, Awarding the Sale of \$9,510,000 General Obligation Bonds, Series 2021A; Fixing their Form and Specifications; Directing their Execution and Delivery; and Providing for their Payment.

Finance Director Huss stated the council is asked to approve the sale of \$9,615,000 of general obligation improvement bonds to finance 2021 pavement management projects. On March 15, 2021, the city council approved Baker Tilly's, the city's financial advisor, recommendation to accept bids for the sale of \$9,615,000 general obligation improvement bonds. The bonds are issued per Minnesota Statutes, Chapters 429 and 475. Proceeds from the bonds will be used to fund the 2021 pavement management program (PMP) project costs related to public improvements that are funded in part by assessments against property owners. Staff reviewed the projects included in the 2021 PMP. It was noted the city received six bids for the bonds and the winning bid was received from FHN Financial Capital Markets with an interest rate of 1.21%.

Terri Heaton, Municipal Advisor with Baker Tilly, stated the city received a very favorable interest rate for these bonds. She commented on the savings the city would receive due to the favorable interest rate noting a buy down could be conducted which meant the city would only be bonding for \$9,510,000. She commended the city for its strong financial position and recommended the debt be awarded to FHN Financial Capital Markets at 1.21%.

Councilmember Jeppson asked if the bond rating was something the city went through annually. Mr. Huss reported the city was rated anytime debt was issued.

Moved by Councilmember Hovland, seconded by Councilmember Jeppson, that Resolution No. 21-, "Awarding the Sale of \$9,510,000 General Obligation Bonds, Series 2021A; Fixing their Form and Specifications; Directing their Execution and Delivery; and Providing for their Payment," be approved.

A roll call vote was taken. Motion adopted unanimously.

DEVELOPMENT BUSINESS10.1 Second Reading – Ordinance 21-2468, Granting a Rezoning from I-2 (Heavy Industrial) to I-1 (Light Industrial) for 18.50 Acres at 10201 Xylite Street NE. (Case File No. 21-0007/LSJ).

City Planner Johnson stated the city is proposing to rezone the 18.50 acres immediately south of the Sanctuary 5th and 9th Additions from I-2 (Heavy Industrial) to I-1 (Light Industrial). The property in question is the 18.50 acres located directly south of the Sanctuary 5th and 9th Additions. This property is currently owned by Premier Banks and is zoned I-2 (Heavy Industrial) with a land use of HI (Heavy Industrial). Premier Banks obtained the property via foreclosure in 2019. The property has approximately 12 acres of upland. A majority of the wetland is located along the north and northeast portion of the property. Staff discussed the history of the property and reported on January 20, 2021, the city council discussed the future of the property at a workshop. After a discussion on the merits of the current I-2 (Heavy Industrial) zoning of the property and the merits of a zoning change to I-1 (Light Industrial), the city council indicated they would be supportive of processing an application to consider a zoning change to I-1 (Light Industrial).

Councilmember Smith stated he would be abstaining from voting on Item 10.1 because his property was adjacent to the subject property.

Moved by Councilmember Hovland, seconded by Councilmember Robertson, that Ordinance No. 21-2468, "Granting a Rezoning from I-2 (Heavy Industrial) to I-1 (Light Industrial) for 18.50 Acres at 10201 Xylite Street NE," be approved.

A roll call vote was taken. Motion adopted 6-0-1 (Councilmember Smith abstained).

10.2 Resolution No. 21-075, Granting a Comprehensive Land Use Amendment from HI (Heavy Industrial) to LI (Light Industrial) at 10201 Xylite Street NE. (Case File No. 21-0007, LSJ).

Ms. Johnson stated the city is proposing to rezone the 18.50 acres immediately south of the Sanctuary 5th and 9th Additions from I-2 (Heavy Industrial) to I-1 (Light Industrial). A comprehensive plan amendment would also be required to change the land use from HI (Heavy Industrial) to LI (Light Industrial).

Councilmember Smith stated he would be abstaining from voting on Item 10.2 because his property was adjacent to the subject property.

Moved by Councilmember Hovland, seconded by Councilmember Massoglia, that Resolution No. 21-075, "Granting a Comprehensive Land Use Amendment from HI (Heavy Industrial) to LI (Light Industrial) at 10201 Xylite Street NE," be approved.

A roll call vote was taken. Motion adopted 6-0-1 (Councilmember Smith abstained).

10.3 Second Reading - Ordinance No. 21-2467, Granting a Rezoning from FR (Farm Residential) to DF (Development Flex) for 26 Acres at 12621, 12691, and 12701 Lexington Avenue NE. Lexington Woods (D.R. Horton) (Case File No. 21-0009/SLK).

Ms. Johnson stated this application is a request to rezone a 26-acre parcel from FR (Farm Residential) to DF (Development Flex). D.R. Horton is proposing to develop 26 acres for 66 single-family homes on the east side of Lexington Avenue, north of 125th Avenue. The proposed plat lies to the south of Lennar's single-family project, Lexington Cove. Prior to the Planning Commission meeting, the applicant was proposing to construct this as a build-to-rent community. The applicant has since received direction from their corporate level that this is now to be constructed as a for-sale community. Staff commented further on the proposed development and explained the planning commission recommended approval of the rezoning.

Moved by Councilmember Smith, seconded by Councilmember Jeppson, that Ordinance No. 21-2467, "Granting a Rezoning from FR (Farm Residential) to DF (Development Flex) for 26 Acres at 12621, 12691, and 12701 Lexington Avenue NE," be approved.

City Clerk Sorensen reported Leland Kleinwachter at 12581 Lexington Avenue expressed concerns through a voicemail about the lack of trees once the development is complete and how this would impact the wildlife in the area. She reported an anonymous resident emailed staff with questions and concerns regarding the Lexington Woods project. This resident suggested the front of Lexington Avenue south of 125th Avenue be zoned commercial. This resident believed commercial or medium density locations were rare in Blaine. This resident was of the opinion a commercial development would compliment the school and would better meet the needs of the community. This resident believed this project was quite large as it approaches the corner and would not allow for future commercial concepts. This resident suggested the council consider a higher density project close to the school as this would create healthier living for students to walk to school and would provide families with a lower emission option for housing. She shared that Alaudin Cerimovic, Blaine, emailed as well stating there was previously an entertainment development proposed for this intersection that was rejected because it was too close to the adjacent residential homes. He indicated the same situation was being proposed here at the NE corner of the development as this housing project appears too long and will impact future entertainment/commercial development that needs more land and space from the single family housing. He proposed the developer reduce the size of this housing development to allow for different development products for this corner in the future.

Councilmember Hovland understood a six foot fence would be installed along Lexington Avenue to help with noise concerns. He did not believe this would be enough. He suggested an eight foot fence be considered when taking into account the elevation of the proposed homes. Ms. Johnson reported the six foot fence was consistent to the fencing at Lexington Cove. She noted conifers and overstory trees would also be installed. She indicated all of the homes within this development would have to meet the airport noise abatement standards.

Councilmember Massoglia questioned if the developer could convert this property to a rental community in the future. Ms. Johnson reported this could happen then explained any home within Blaine could be converted to a rental property at any time as long as they obtain a rental license.

Councilmember Paul stated there was a lot of information the council still needed on this project. He recommended this project be sent back to a workshop in order for this information to be provided to the council. Ms. Johnson indicated she was not quite sure what the concerns were as those raised by the neighbors regarding commercial and high density development had been addressed. She reported the comprehensive plan does not address those uses on this site. She noted this was a low density residential area that has never been proposed for commercial use. She explained she has not heard any other comments or concerns from the city council or planning commission regarding this development.

Councilmember Hovland asked if the roads extending to the south would be cul-de-sacs at some point in time. Ms. Johnson stated there were two road extensions to the south. She noted she did not have a timeline for future development. She noted the majority of the property to the east was a wetland.

Councilmember Massoglia questioned if the developer was in attendance to discuss the build to rent option. He stated this was his main concern regarding this development. Alan Van Del, D.R. Horton representative, reported the build to rent option was no longer being considered and explained this would not be rental property now or at any point in the future.

Councilmember Hovland questioned if the city should review its ordinances in order to put some safeguards in place. Community Development Director Thorvig explained it would be very difficult for the city to regulate rental versus owner occupied in an ordinance. Mr. Nelson agreed it would be difficult to regulate this matter.

Councilmember Robertson asked if staff responded to the residents that sent in emails or comments regarding this project. Ms. Johnson reported staff generally responds to comments but noted these comments were received late this afternoon through the city's website and not sent directly to the planning department.

A roll call vote was taken. Motion adopted unanimously.

10.4 Resolution No. 21-076, Granting a Preliminary Plat to Subdivide 26 Acres into 66 Single-Family Lots and One Outlot to be Known as Lexington Woods at 12621, 12691 and 12701 Lexington Avenue NE. D.R. Horton (Case File No. 21-0009/SLK).

Ms. Johnson stated D.R. Horton is proposing to develop approximately 26 acres into 66 single-family lots and one outlot. The development will be known as Lexington Woods. The 66 single-family lots will have a minimum lot width of 45 feet and 55 feet. The outlot will be used for storm water ponding and wetlands. The plat will be accessed through a connection to Lexington Avenue and through the Lexington Cove development to the north. There are two street stubs in the plat that will extend to future development to the south. Sidewalks will need to be located on the east side of street 2 and the west side of street 3. There will be no trail/sidewalk connections to Lexington Avenue since a trail is not provided on the east side of Lexington Avenue. Staff reported the planning commission recommended approval of the preliminary plat.

Moved by Councilmember Jeppson, seconded by Councilmember Robertson, that Resolution No. 21-076, "Granting a Preliminary Plat to Subdivide 26 Acres into 66 Single-Family Lots and One Outlot to be Known as Lexington Woods at 12621, 12691 and 12701 Lexington Avenue NE," be approved.

A roll call vote was taken. Motion adopted unanimously.

10.5 Resolution No. 21-077, Granting a Conditional Use Permit to Allow for the Construction of 66 Single Family Lots in a DF (Development Flex) Zoning District at 12621, 12691, 12701 Lexington Avenue NE. Lexington Woods (D.R. Horton) (Case File No. 21-0009/SLK).

Ms. Johnson stated the conditional use permit is necessary to set up the standards of development in the DF (Development Flex) zoning district. This is consistent with every DF zoning district within the City. She noted D.R. Horton is proposing to construct various types of homes in this development with over 15 potential elevations and floor plans. The home options include one story and two story floor plans. All elevations will be able to be placed on either the 45-foot or 55-foot wide lots. However, the 45-foot wide lots will only provide two car garages and the 55-foot wide lots will provide a three-car garage. The homes range in size from 1,300 square feet to 2,600 square feet. Staff commented further on the proposed development and reported the planning commission recommended approval of the conditional use permit.

Councilmember Hovland asked if any park dedication fees would be paid for this development. Ms. Johnson reported park dedication fees would be required.

Moved by Councilmember Jeppson, seconded by Councilmember Robertson, that Resolution No. 21-077, "Granting a Conditional Use Permit to Allow for the Construction of 66 Single Family Lots in a DF (Development Flex) Zoning District at 12621, 12691, 12701 Lexington Avenue NE," be approved.

A roll call vote was taken. Motion adopted unanimously.

10.6 Resolution No. 21-078, Granting a One Year Extension to a Conditional Use Permit for the Construction of a Hy-Vee Grocery Store, Gas Sales, Liquor Store, Coffee Shop and Car Wash at 210 125th Avenue NE. (Case File No. 21-0018/LSJ).

Ms. Johnson stated Hy-Vee was granted a conditional use permit in October 2018. Grading work concluded in the spring of 2020 with no permits issued at this time for any of the buildings in the development. Staff reported Hy-Vee has given no timeline on their project. A one-year conditional use permit extension is being requested to keep all approvals in place for the development.

Mayor Sanders asked for comment from Hy-Vee regarding this development. Phil Hoey, Hy-Vee representative, thanked the council for considering his extension request. He reported he has been asked frequently when the construction start date would be. He explained the city would know as soon as he knows. He discussed the initial work that has been done on the site. He explained they were under contract to sell the larger outlot parcel to a multi-family use and in addition they had a user interested in another retail parcel.

Mayor Sanders questioned if Mr. Hoey had any other information that would help the council when considering the extension request. Mr. Hoey stated Hy-Vee has been looking to acquire sites that they intended to build on and noted some are constructed right away and others over a period of time. He explained there wasn't necessarily a threshold that needs to be met, but rather some properties just took more time to develop than others. He indicated construction could begin this summer but he couldn't guarantee this at this point.

Mayor Sanders inquired if construction would begin in one year or if another CUP extension would be required. Mr. Hoey stated he was confident construction on the overall plat would likely begin before a year from now. He commented Hy-Vee's plan was to build a store here in Blaine.

Councilmember Hovland stated he was willing to support this extension but would not be able to support another extension. He said did not believe it was fair to the residents in this neighborhood to have the property torn up for one or two years awaiting Hy-Vee to come in and construct their project. He commented he was looking forward to Hy-Vee coming to Blaine and he hoped this project would begin sooner rather than later.

Moved by Councilmember Hovland, seconded by Councilmember Robertson, that Resolution No. 21-078, "Granting a One Year Extension to a Conditional Use Permit for the Construction of a Hy-Vee Grocery Store, Gas Sales, Liquor Store, Coffee Shop and Car Wash at 210 125th Avenue NE," be approved.

A roll call vote was taken. Motion adopted unanimously.

10.7 Resolution No. 21-079, Granting Final Plat Approval to Subdivide 2.1 Acres into Two Lots and One Outlot to be Known as Springbrook 5th Addition, at 129th Lane NE and Coral Sea Street NE. Springbrook Land, LLC (Capstone Homes) (Case File No. 21-0024/SLK).

Ms. Johnson stated this application is a request to final plat a 2.1 acre parcel into two single family lots and one outlot. The final plat is consistent with the preliminary plats approved in February 2015 and March 2018. The proposed plat is located on 129th Lane NE between Coral Sea Court and Xylite Street.

Councilmember Jeppson reported she would be abstaining from voting on this item.

Moved by Councilmember Massoglia, seconded by Councilmember Paul, that Resolution No. 21-079, "Granting Final Plat Approval to Subdivide 2.1 Acres into Two Lots and One Outlot to be Known as Springbrook 5th Addition, at 129th Lane NE and Coral Sea Street NE," be approved.

A roll call vote was taken. Motion adopted 6-0-1 (Councilmember Jeppson abstained).

10.8 Resolution No. 21-080, Granting a Final Plat to Subdivide Approximately 28.8 Acres into One Lot and One Outlot to be Known as Blaine 35 at 85th Avenue NE (County Road J) and I-35W Service Drive. Artis REIT (Case File No. 21-0025/EES).

Ms. Johnson stated the applicant is proposing a final plat to create one lot and one outlot for the first phase of the Blaine 35 industrial park. The final plat is consistent with the preliminary plat. Artis REIT is proposing the development of a vacant property located at the northwest corner of 85th Avenue (County Road J) and 35W Service Road, which is zoned PBD (Planned Business District). The applicant is proposing three large, high finish industrial buildings with a total square footage of 317,400 square feet. A preliminary plat was approved by the City Council on April 5, 2021 to create three lots, one for each building. The applicant has decided to construct the project in phases, so at this time the applicant is requesting final plat approval for one of the three lots, along with the right of way. The remainder will be platted as an outlot at this time.

Moved by Councilmember Hovland, seconded by Councilmember Paul, that Resolution No. 21-080, "Granting a Final Plat to Subdivide Approximately 28.8 Acres into One Lot and One

Outlot to be Known as Blaine 35 at 85th Avenue NE (County Road J) and I-35W Service Drive," be approved.

A roll call vote was taken. Motion adopted unanimously.

10.9 First Reading – Ordinance No. 21-2470, Granting a Rezoning from FR (Farm Residential) to DF (Development Flex) for Lots not Previously Zoned DF (Development Flex) on the NW Corner of Harpers Street and 125th Avenue NE. Harpers Landing (Harpers Grove, LLC) (Case File No. 21-0003/EES).

Ms. Johnson stated this was the first reading of a rezoning from FR (Farm Residential) to DF (Development Flex) for lots not previously zoned DF on the northwest corner of Harpers Street and 125th Avenue for the Harper's Landing project. The proposed subdivision consisted of six existing parcels that were four to five acres in size. The applicant (D.R. Horton) was proposing a development that includes townhomes and single family homes. The site currently has a land use designation of Low Density Residential which meant a comprehensive plan amendment was also required for the townhome portion of this project.

Declared by Mayor Sanders that Ordinance No. 21-2470, "Granting a Rezoning from FR (Farm Residential) to DF (Development Flex) for Lots not Previously Zoned DF (Development Flex) on the NW Corner of Harpers Street and 125th Avenue NE," be introduced and placed on file for second reading at the May 3, 2021 Council meeting.

ADMINISTRATION

11.1 Resolution No. 21-081, Revisions to the Temporary Outdoor Dining Policy Expiration Date.

Community Development Director Thorvig stated the current temporary outdoor dining policy expires on April 30, 2021. In May 2020, the City Council adopted a temporary outdoor dining policy to allow the expansion of outdoor dining in non-traditional areas as a result of state restrictions related to restaurants during the COVID-19 pandemic. Eight restaurants applied. The City did not receive any complaints for these restaurants. The policy originally expired on October 31, 2020 and was extended to April 30, 2021. There are still state restrictions in place related to overall seating capacity for restaurants. One restaurant has requested the City extend the policy expiration. Staff recommends extending the expiration of the temporary outdoor dining policy through October 31, 2021. This will allow restaurants expanded outdoor dining through the summer/fall months. The City can reassess the policy if regulations at the state level change or are lifted entirely.

Moved by Councilmember Massoglia, seconded by Councilmember Robertson, that Resolution No. 21-081, "Revisions to the Temporary Outdoor Dining Policy Expiration Date," be approved.

A roll call vote was taken. Motion adopted unanimously.

11.2 Resolution No. 21-082, Approve Joint Powers Agreement No. C0008410 with Anoka County for Rehabilitation of County State Aid Highway 12 (109th Avenue).

Mr. Schluender stated Anoka County has been working on a mill and overlay project to rehabilitate County State Aid Highway 12 (109th Avenue) from Flanders Court to County State Aid Highway 17 (Lexington Avenue) for the 2021 construction season. To facilitate an agreement and reimbursement for the county project to incorporate turn lane improvements to the benefit of the North Meadows development a Joint Powers Agreement is needed as the county is unable to directly charge the development. The city and developer have agreed that this cost will be removed from the developer's escrow for the North Meadows development for the construction of the turn lane improvements. Staff commented further on the proposed JPA and recommended approval.

Moved by Councilmember Jeppson, seconded by Councilmember Hovland, that Resolution No. 21-082, "Approve Joint Powers Agreement No. C0008410 with Anoka County for Rehabilitation of County State Aid Highway 12 (109th Avenue)," be approved.

Councilmember Paul asked if concrete sidewalks would be included in this project. Mr. Schluender reported the county's mill and overlay program does not include any expansion for sidewalks or trails. He noted this was simply a maintenance project, which included a reclaiming and resurfacing of the pavement.

A roll call vote was taken. Motion adopted unanimously.

11.3 Motion 21-63, Authorize the Mayor and City Manager to Enter Into a Contract with TKDA for Professional Engineering Services for the TH 65 Access Improvements, Project No. 21-01.

Mr. Haukaas stated council is being asked to enter into a contract for professional services for environmental documentation, preliminary and final design for the TH 65 Access Improvements, Project Number 21-01. This will be a Phase 1 contract for the initial stage of environmental review and documentation for the Highway 65 Improvement Program. The primary purpose of the overall project is to improve public safety and reduce traffic congestion on TH65 by improving operations at access points and improve frontage road connections. The proposed project will refine the alternatives developed through the recently completed TH65 Planning and Environmental Linkages (PEL) study. Staff commented further on the project noting staff had received four proposals for this work and after close evaluation of the proposals, recommended approval of the contract with TKDA.

Moved by Councilmember Paul, seconded by Councilmember Robertson, that Motion 21-63, "Authorize the Mayor and City Manager to Enter into a Contract with TKDA for Professional Engineering Services for the TH 65 Access Improvements," be approved.

Councilmember Paul thanked staff for continuing to move this project forward.

A roll call vote was taken. Motion adopted unanimously.

11.5 Second Reading – Ordinance No. 21-2469, Residential Picketing Ordinance.

Safety Services Manager/Police Chief Podany stated the council is asked to consider second reading and adopt a proposed ordinance that would regulate residential picketing within the city. Recently multiple cities have enacted ordinances regulating targeted picketing in residential neighborhoods. This subject was given increased attention last summer after multiple high profile protests occurred in residential neighborhoods and maintaining peaceful residential neighborhoods is important to the city. The council reviewed the topic and sample ordinance at the January 11 workshop. Staff answered questions from council that confirmed the ordinance would only pertain to residential neighborhoods including apartments, townhomes, mobile homes and single-family homes and that should picketing occur on private property the property owner could contact the police. He described how staff had worked to protect freedoms while also providing livable, peaceful neighborhoods within this ordinance.

Moved by Councilmember Hovland, seconded by Councilmember Massoglia, that Ordinance No. 21-2469, "Residential Picketing Ordinance," be approved.

Councilmember Paul asked if there was any way a resident can address their concerns in the city. Police Chief Podany explained this ordinance specifically addressed picketing in residential areas and noted picketing or peaceful demonstrations would still be allowed in other areas of the city. He reported the police department was having active conversations to make sure the department was addressing protected freedoms as well as addressing picketing concerns. He encouraged residents with concerns to contact the police department directly in order to find a solution.

Mayor Sanders thanked Police Chief Podany for his leadership and for finding a proper balance between free speech with individual residential rights.

A roll call vote was taken. Motion adopted unanimously.

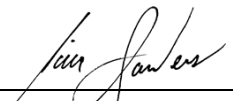
OTHER BUSINESS

None.

ADJOURNMENT

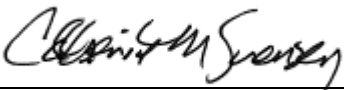
Moved by Councilmember Hovland, seconded by Councilmember Robertson, to adjourn the meeting at 9:36PM.

A roll call vote was taken. Motion adopted unanimously.



Tim Sanders, Mayor

ATTEST:



Catherine Sorensen, CMC, City Clerk
Submitted by Minute Maker Secretarial