



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

10801 Town Square Dr.
Blaine MN 55449

City Council

*Mayor Tom Ryan,
Councilmember Wes Hovland,
Councilmember Dick Swanson,
Councilmember Dave Clark,
Mayor Pro Tem Mike Bourke,
Councilmember Katherine Kolb,
Councilmember Russ Herbst*

Thursday, February 13, 2014

6:30 PM

Council Chambers

Meeting Number 14-10

1. CALL TO ORDER BY THE MAYOR

The meeting was called to order at 6:30 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; Bob Therres, Public Services Manager; Joe Huss, Finance Director; Jean Keely, City Engineer; Chris Olson, Police Chief/Safety Services Manager; Roark Haver, Communications Technician; Al Thorp, Senior Engineering Technician; Jane Cross, City Clerk; and Recording Secretary Linda Dahlquist.

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

4. APPROVAL OF MINUTES

None.

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

6. COMMUNICATIONS

Mayor Ryan welcomed Kwik Trip to Blaine and thanked them for their donations for the City's K9 program and Yellow Ribbon Committee.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 6:32 p.m.

There being no input, Mayor Ryan closed the Open Forum at 6:32 p.m.

8. ADOPTION OF AGENDA

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

None.

10. APPROVAL OF CONSENT AGENDA:

11. DEVELOPMENT BUSINESS

11.1 [RES 14-022](#)

**GRANTING PRELIMINARY PLAT APPROVAL TO
SUBDIVIDE 39.13 ACRES INTO ONE LOT AND TWO
OUTLOTS TO BE KNOWN AS BALL ROAD ADDITION
AT 4369 BALL ROAD NE. WAL-MART (CASE FILE NO.
13-0067/LSJ)**

Sponsors: Schafer

Attachments: [Walmart - Attachments](#)
[Walmart - Public Comments](#)
[Walmart - Synopsis of Written Comments](#)
[Walmart - Dec 10, 2013 PC Minutes](#)
[Wal-Mart - Issue and Response Memo](#)

Planning Director Schafer stated Walmart is proposing to relocate their existing store in the Village of Blaine to a piece of land on the southeast corner of I-35W and Lexington Avenue. He stated the Walmart move is due to the existing store in the Village of Blaine is not allowed to establish full grocery sales because of language that was written into their initial purchase of the property. He noted Walmart believes the move will help them stay competitive with other full grocery retailers. He stated the piece of land to be developed is 39.13 acres and is zoned PBD and a land use of PC. He stated the preliminary plat consists of one lot and two outlots. He stated the parcel that Walmart will sit will be platted as Lot 1 and the two outlots will be replatted for future retail lots.

Planning Director Schafer and City Engineer Keely gave an overview of staff responses to questions posed at the January 16, 2014 Council meeting:

1. Reduce the height of the light poles. The applicant proposes 38 feet tall light poles (Walmart standard is 40 feet).
2. Berm along east driveway and rear of the building. Berming can be done; although the building and parking lot would have to move closer to Ball Road. Staff suggested extending the wood fence to Ball Road, which would provide security and block trash from blowing into the wetland area.
3. Limit hours of operation similar to Fleet Farm. The Council can limit hours through the conditions of the CUP, but it has rarely been done on retail.
4. Ball Road proposed design and expected traffic levels. The median and roundabout were required to provide an efficient, functional and safe collector route.
5. Ball Road alignment be pushed to the north. The alignment of Ball Road could be shifted 25 to 30 feet and a berm placed between Ghia Street and Hupp Street.
6. Close Hupp Street to examine traffic patterns. The roundabout is still

- needed to include Hupp Street to accommodate a connection if opened in the future.
7. Storm drainage in Belmont Acres. Staff suggested up to two houses could be acquired for storm drainage ponding.
 8. Alternative site access from I35W/Lexington Avenue. MnDOT's letter states a slip ramp would not be permitted.
 9. No Truck signs on 103rd Lane. Council can prohibit trucks on City streets; although there have been no records of residents notifying the City of truck traffic issues.
 10. Lever Street pedestrian access improvements. Lever Street is an MSA route to be reconstructed in the proposed 2014-2019 PMP and includes the sidewalk to be extended north to the school.
 11. Traffic counts on 109th from University Avenue to Jefferson Street. Counts from Anoka County from 2011 shows 13,800 vehicles per day.

Councilmember Clark asked about downward lighting at the Blaine Baseball Complex. He asked if downward lighting is part of the proposed plan. Planning Director Schafer replied the plan includes LED lighting is directional and has less spill out. He noted the City requires non-spill lighting.

Councilmember Herbst asked for the setback of the parking lot and driveway lighting. Planning Director Schafer replied the setback is 400 feet.

Councilmember Herbst questioned the location of the two outlots' buildings and the location of existing trees. Planning Director Schafer replied the City encourages the developer to save the existing trees.

Councilmember Hovland asked if there is a City minimum height for lighting. Planning Director Schafer replied no City minimum, only a maximum.

Eric Miller, MFRA Civil Engineering Consultant, replied Walmart's light standard is for safety purposes. He stated the lower height of the light pole provides brighter lighting. He stated Walmart is proposing 38 feet light poles.

Councilmember Clark asked for the building height. Mr. Miller replied the building height is 34 feet.

Councilmember Swanson asked about the positioning of the fence behind the building. Planning Director Schafer replied the proposed fence would be either chain-link or solid wood. He stated the staff is asking Walmart to extend the fence behind the building from 35W to Ball Road.

Council consensus on having a solid wood fence behind the building from 35W to Ball Road.

Councilmember Hovland proposed limiting the operation hours from 5:00 a.m. to midnight. Mayor Ryan stated the Walmart staff stock shelves at night.

Councilmember Bourke asked if other Walmart stores have restricted hours. Mr. Miller replied the Super Center format is 24 hours where it is permitted by zoning. Planning Director Schafer replied the Council needs to have a rationale on why the hours should be restricted. He noted that the new Walmart on Highway 65 is situated in a neighborhood and does not have restricted hours.

Councilmember Kolb stated she lives near the new Walmart and there are not many vehicles in the parking lot late at night.

Councilmember Hovland commented that Fleet Farm is not a 24-hour operation and if Walmart had the same hours, it would preserve the neighborhood's integrity as it is today. Councilmember Kolb stated Fleet Farms has a different business philosophy than Walmart and the Council needs to retain conformity with business operations of similar businesses.

Councilmember Clark commented he is concerned with having 24 hour business and then not allowing the outlots to have 24 hour businesses. City Attorney Sweeney replied the outlots will have a separate CUP and the Council will differentiate the type of businesses that are located on the outlots.

Councilmember Bourke asked about the frontage road that is behind the Walmart on Highway 65 and how it compares to Ball Road. City Engineer Keely replied both roads are MSA routes and collector roads. She stated both roads are designed to serve residential and commercial. She noted that it was estimated that 10,000 vehicles per day to use Ulysses.

Councilmember Swanson asked if existing residential openings onto Ulysses. City Engineer Keely replied there are homes off 116th and the west side of Ulysses Street is residential.

Councilmember Clark asked for the number of dock doors and trailer storage space. Planning Director Schafer replied there are five dock doors that face 35W. Mr. Miller replied the building will have five delivery bays and semi-truck deliveries of 20-28 per week made after midnight. He stated Walmart manages their trucking logistics carefully to avoid rush hour traffic. He stated local truck deliveries are made in the morning hours (bread, pop, donuts, chips, etc.).

Councilmember Clark asked if truck delivery restriction would cause a hardship. Mr. Miller replied it would cause a hardship and delivery restriction would require the truck to park some place else while the restriction is in place. He noted that it would also cause a hardship especially when weather

related incidents delay deliveries.

Councilmember Bourke commented that Bermo and the industrial complex use semi-trucks, so trucks would still be on the road.

Councilmember Bourke asked if small deliveries are made to the dock area. Mr. Miller replied there is a Daily Service Door that is in the back of the building. He noted that Walmart has a strict no truck idling policy.

Councilmember Hovland commented Andover's Walmart has restricted hours. City Manager Arneson replied Andover's City Code restricts all businesses operations be closed from midnight to 5:00 a.m. within the City of Andover.

Councilmember Swanson proposed moving Ball Road 30 feet to the north to provide a larger buffer for the houses along Ball Road and close Hupp Street.

City Manager Arneson commented the Council can agree to move the road north. He commented the Council does not have to get into the details tonight on moving the road.

Councilmember Hovland asked if the road is moved 30 feet to the north, what happens to the berming and trail. Planning Director Schafer replied the proposed plan submitted from MFRA will be affected. He commented moving the road will not make a difference.

Councilmember Kolb stated the summary states that to close Hupp Street, one or two homes to the north would need to be removed and the City would have to buy the homes. City Engineer Keely replied yes, if a full cul-de-sac is built in that area to accommodate full turning.

Councilmember Swanson asked if a hammerhead intersection would work. City Engineer Keely replied if a 60-foot right-of-way is paved as a turnaround. She noted that a berm would not fit due to the sidewalk and snow storage. She noted that a hammerhead road is the road ends in the shape of a "T".

Councilmember Clark suggested moving the roundabout to 103rd. City Manager Arneson replied moving the roundabout east, the median continues to 103rd and it would have an affect on emergency response due to the median. He noted that Walmart prefers the road alignment as proposed.

Councilmember Hovland commented he is concerned with traffic on Lexington Avenue coming on to Ball Road. He would like to extend the two lanes to Frazier Street. City Engineer Keely replied there are two lanes up to Ghia Street.

Councilmember Herbst suggested installing two speed humps on Marmon Street. Council discussion on installing speed humps on Marmon Street.

Councilmember Swanson suggested conducting a traffic count on Marmon Street before and after Walmart is built.

Council consensus on moving Ball Road 30 feet to the north and close Hupp Street.

City Manager Arneson stated the City will remove one home at the corner of Lexington Avenue and Ball Road to install a receiving pond and realign the existing storm drainage.

Councilmember Hovland is concerned about the three homes near the corner of Lexington Avenue and Ball Road. City Manager Arneson replied the City would remove one house. Martin Harstad replied he met with the three property owners. He suggested to the homeowners to get appraisals or market analysis on their homes and come up with a fair selling price. He stated two of the property owners had a fair selling price and agreed to sell. He stated he has offered to purchase the homes contingent upon the approval of the CUP and closing with Walmart. He stated the third homeowner does not want to sell their property. He noted that the first and third homeowners agreed to sell. Mayor Ryan clarified that the City would need to purchase the first home from Mr. Harstad to build a pond.

Councilmember Swanson asked about the right-out at the existing shopping center. City Engineer Keely stated the right-out would be closed.

Councilmember Swanson proposed extending the trail on Ball Road to Lever Street to the park.

Councilmember Hovland agreed with extending the trail and extending the sidewalk to 103rd Court.

Councilmember Swanson asked about construction noise. Planning Director Schafer replied the City follows State law for noise restrictions.

Rachel Kahler, 10175 Pleasure Creek Parkway, asked what happens to the empty Walmart building and how will the other businesses be affected with Walmart leaving Pheasant Ridge. She is concerned about the City's long term planning.

Councilmember Kolb asked if a stipulation could be added that if the old Walmart property is not occupied within two years that the building be torn down. Mike Sims, Walmart's broker, replied the property would be marketed aggressively. He commented that the property could be subdivided for

multiple tenants.

Senator Roger Chamberlain, District 39, stated he was approached by the citizens in this district. He stated the main issues are property rights, the safety of the neighborhood, and fairness in equity. He suggested putting money in trusts and after ten years if the house sells for less than the value, the property owner receives the difference. He noted if the property sells for \$1 over, no funds would be paid to the property owner.

Josh Brecken, Johnson and Turner, representing Blaine Citizens for Smart Growth, stated the CUP should be denied because it does not meet legal criteria, is bad planning, and is overall bad government. He stated the CUP does not meet parameters, creates excessive burden on the existing streets, it's incompatible with the City's Comprehensive Plan, Anoka County's letter states there has been inadequate and lack of sufficient planning for the preparation of the congestion impact, the impact it will have on future, there have been no impact studies on the traffic on the collector roads, it is not compatible with the surrounding area, the Planning Commission has not made a recommendation and the notes show sever opposition. He stated the neighbors expect the Council to consider all aspects of the project. He stated this is a matter of discretion exercised within the legal framework of the ordinance and the Comprehensive Plan. He stated approval of the CUP ignores the voice of constituents, ignore the lack of planning of the development, and ignore the legal framework that the Council is directed to follow.

Brandon Banks, 10175 Pleasure Creek Parkway, asked what Blaine is getting out of this Walmart. He stated the City will only get a big abandoned building out of this deal. He stated the Council should not say yes to the CUP.

Teresa Blossom, 10207 Erskin Street NE, stated two issues are crime and the environment. She asked who will pay for the additional police due to Walmart moving in. She stated currently there is not a police presence in the neighborhood. She noted the costs of Walmart within a neighborhood. She noted that the wetlands are protected. She stated that Walmart has a history of polluting and paying off cities.

Mayor Ryan stated all environmental issues have been addressed through the environmental study and by the Bureau of Soil and Water and the Watershed District. He commented there have been several bank robberies at three local stores. He noted that the City has the same patrol on the east and west side of the City.

Chief Olson stated the City has six districts that are patrolled 24 hours, 7 days a week and 365 days per year. He stated there have been robberies and crimes in Cub Foods, Target, Fleet Farm and Walmart. He stated retail crimes are

related to the business itself and are within the business.

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Amended

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

Amended

Aye: 5 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Mayor Pro Tem Bourke and Councilmember Herbst

Nay: 2 - Councilmember Clark and Councilmember Kolb

Councilmember Clark questioned the continuation of the trail system. City Manager Arneson replied Bermo's right-of-way needs to be reviewed. Council discussion continued on the trail system.

Councilmember Hovland suggested a crosswalk be placed on the east side of the roundabout.

Adopted As Amended

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Chief Olson stated the City has six districts that are patrolled 24 hours, 7 days a week and 365 days per year. He stated there have been robberies and crimes in Cub Foods, Target, Fleet Farm and Walmart. He stated retail crimes are related to the business itself and are within the business.

(AI 11.1)

Moved by Councilmember Swanson, seconded by Councilmember Bourke, that Resolution 14-022, "Granting Preliminary Plat Approval to Subdivide 39.13 Acres into One Lot and Two Outlots to be Known as Ball Road Addition at 4369 Ball Road NE," be amended to move Ball Road 30 feet to the north.

Councilmember Herbst asked Mr. Harstad how moving the road by 30 feet will affect the outlots. Mr. Harstad stated an existing ditch needs to remain in its location. He commented that by moving the roundabout closer to the ditch will affect the ditch. He stated leaving the road where it is provides room for berms and fencing.

Councilmember Clark suggested moving the road 15 feet and closing Hupp Street. Public Services Manager Therres stated a turnaround can be built

Councilmember Swanson withdrew his amendment.

Amended

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

Amended

Aye: 4 - Councilmember Hovland, Councilmember Swanson, Mayor Pro Tem Bourke and Councilmember Herbst

Nay: 3 - Mayor Ryan, Councilmember Clark and Councilmember Kolb

Councilmember Clark questioned the continuation of the trail system. City Manager Arneson replied Bermo's right-of-way needs to be reviewed. Council discussion continued on the trail system.

Councilmember Hovland suggested a crosswalk be placed on the east side of the roundabout.

Adopted As Amended

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

11.2 [RES 14-023](#)

**GRANTING A CONDITIONAL USE PERMIT TO ALLOW
FOR CONSTRUCTION OF A 183,072 SQUARE FOOT
WAL-MART STORE IN A PBD (PLANNED BUSINESS
DISTRICT) ZONING DISTRICT AND FOR LIGHT POLE
HEIGHTS EXCEEDING 20 FEET AND WITH A
MAXIMUM HEIGHT OF 40 FEET AT 4369 BALL ROAD
NE. WAL-MART. (CASE FILE NO. 13-0067/LSJ)**

Sponsors: Schafer

Attachments: [Walmart - Attachments](#)
[Walmart - Public Comments](#)
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[Walmart - Dec 10 PC Minutes](#)
[Wal-Mart - Issue and Response Memo](#)

(AI 11.2)

Moved by Mayor Ryan, seconded by Councilmember Clark, that Resolution 14-023, "Granting a Conditional Use Permit to Allow for Construction of a 183,072 Square Foot Walmart Store in a PBD (Planned Business District) Zoning District and for Light Pole Heights Exceeding 20 Feet and with a Maximum Height of 40 Feet at 4369 Ball Road NE," be approved. (NOTE: this motion was not acted upon in original form but rather had several individual amendments voted on to eventually pass in its amended form.)

Planning Director Schafer stated Walmart is proposing to relocate their existing store in the Village of Blaine to a piece of land on the southeast corner of I-35W and Lexington Avenue. He stated uses within the Planned Business District are considered conditional uses. He noted the light pole heights proposed exceed 20 feet, which requires conditional use permit. He stated condition six will need an amendment to state a solid fence.

Amended

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

Amended

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

Planning Director Schafer commented Condition 11 states no overnight parking will be allowed in the parking lot.

Mayor Ryan commented Condition 12 states that no semi-trucks can be parked in front of Walmart.

Director Schafer commented Condition 16 states that road improvements associated with the development will be paid by Walmart.

(AI 11.2)

Moved by Councilmember Hovland, seconded by Councilmember Herbst, that Resolution 14-023, "Granting a Conditional Use Permit to Allow for Construction of a 183,072 Square Foot Walmart Store in a PBD (Planned Business District) Zoning District and for Light Pole Heights Exceeding 20 Feet and with a Maximum Height of 40 Feet at 4369 Ball Road NE," be amended to restrict the hours of operation from midnight to 5:00 a.m.

Councilmember Hovland withdrew his motion.

Councilmember Hovland stated the justification is to minimize traffic in the neighborhood late at night to maintain a quiet neighborhood.

Peter Coyle, Walmart Land Use Council from Larkin, Hoffman, Daly and Lindgrin, stated Walmart is opposed to restricted hours of operation.

Councilmember Kolb asked City Attorney Sweeney if the reasoning is defensible. City Attorney Sweeney replied no.

Failed

Aye: 2 - Councilmember Hovland and Councilmember Swanson

Nay: 5 - Mayor Ryan, Councilmember Clark, Mayor Pro Tem Bourke, Councilmember Kolb and Councilmember Herbst

Failed

Aye: 2 - Councilmember Hovland and Councilmember Swanson

Nay: 5 - Mayor Ryan, Councilmember Clark, Mayor Pro Tem Bourke, Councilmember Kolb and Councilmember Herbst

Moved by Councilmember Swanson, seconded by Councilmember Clark, for staff to devise a plan to sign 103rd as a no truck route.

Councilmember Swanson withdrew his motion.

Adopted

Councilmember Kolb questioned if the Council should consider Senator Chamberlain’s proposal for setting up a trust. Councilmember Clark suggested having a fund similar to the one the Radisson Road residents used for screening their homes from the road.

Councilmember Clark asked staff for the construction traffic plan.

Councilmember Swanson questioned the Planning Commission’s non-recommendation. City Attorney Sweeney replied the meeting was properly noticed, held public hearing, and the Planning Commission took action. He stated the City is running out of time and needs to move forward.

Councilmember Clark asked if the Planning Commission had no recommendation on other development proposals. Planning Director Schafer replied yes and this was not the first time or is uncommon.

Adopted

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

Adopted As Amended

Aye: 5 - Mayor Ryan, Councilmember Clark, Mayor Pro Tem Bourke, Councilmember Kolb and Councilmember Herbst

Nay: 2 - Councilmember Hovland and Councilmember Swanson

12. ADMINISTRATION

None.

13. OTHER BUSINESS

None.

14. ADJOURNMENT

Adjourned