

UNAPPROVED

CITY OF BLAINE
ANOKA COUNTY, MINNESOTA
CITY COUNCIL MEETING
Thursday, February 4, 2016

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

Mayor Tom Ryan, Councilmembers Dave Clark, Wes Hovland, Jason King, and Dick Swanson.

ABSENT: Councilmembers Mike Bourke and Russ Herbst.

Quorum present.

ALSO PRESENT: City Manager Clark Arneson; City Attorney Patrick Sweeney; Planning and Community Development Director Bryan Schafer; Public Services Manager Bob Therres; Finance Director Joe Huss; Police Chief/Safety Services Manager Chris Olson; City Engineer Jean Keely, Communications Technician Roark Haver; Senior Engineering Technician Al Thorp; City Clerk Catherine Sorensen; and Recording Secretary Linda Dahlquist.

APPROVAL OF MINUTES

Workshop Meeting – January 14, 2016

Workshop Meeting – January 21, 2016

Regular Meeting – January 21, 2016

Councilmember Clark requested the removal of Workshop Meeting Minutes of January 14, 2016 as he had some proposed changes to forward to the City Clerk for inclusion.

Moved by Councilmember Swanson, seconded by Mayor Ryan to postpone the approval of the Workshop Meeting Minutes of January 14, 2016.

Motion adopted unanimously.

Moved by Councilmember Hovland, seconded by Councilmember Swanson, that the Workshop Meeting Minutes of January 21, 2016; and the Regular Meeting Minutes of January 21, 2016, be approved.

Motion adopted 4-0-1 (Councilmember Clark abstained from the Workshop Meeting Minutes of January 21, 2016, and the Regular Meeting Minutes of January 21, 2016, due to his absence).

AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

COMMUNICATIONS

None.

OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:33 p.m.

There being no input, Mayor Ryan closed the Open Forum at 7:33 p.m.

ADOPTION OF AGENDA

Mayor Ryan moved agenda item 12.1 to follow the Consent Agenda.

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

None.

APPROVAL OF CONSENT AGENDA

Councilmember Swanson requested the removal of agenda item 10.6.

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

10.1 Motion 16-017, Schedule of Bills Paid 1/15/16 and 1/22/16.

10.2 Motion 16-018, Approve Massage Enterprise License for Denise Hanson, D's Therapeutic Massage, Relocating from 784 County Road 10 NE to Northtown Center, 170 89th Avenue NE.

10.3 Ordinance 16-2338, Ordinance Amending Chapter 22, Article IX. – Licensing and Regulation of Therapeutic Massage, Sec. 22-431. – License Restrictions, Proof of Local Residency.

10.4 Resolution 16-012, Publication of the Title and Summary of Ordinance 16-2337 Amending Chapter 54, Parks and Recreation; Article I, in General, Section 54-1 Park Land Designated, of the Municipal Code of the City of Blaine.

10.5 Motion 16-019, Authorizing Payment in the Amount of \$13,529 to Metro Cities for 2016 Annual Membership Dues.

~~10.6 Motion 16-021, Receive Pay Equity Report.~~

Motion adopted unanimously.

10.6 Motion 16-021, Receive Pay Equity Report.

Moved by Councilmember Swanson, seconded by Councilmember Hovland, that Motion 16-021, "Receive Pay Equity Report," be approved.

Councilmember Swanson requested a summary of the Pay Equity Report.

City Manager Arneson stated every three years cities and public agencies are required to provide a pay equity report on public employees. He stated each position within the City was reviewed, points assessed to each position's job responsibilities, and salaries compared for pay equity between men and women. He noted the report is for the period of 2013-2015 and that the City is in compliance for this period.

Councilmember Clark asked for clarification on the Council receiving and approving the Pay Equity Report. City Manager Arneson replied the Council is receiving the report and the City Manager is approving the accuracy of the information. City Attorney Sweeney replied the Council acknowledges the receipt of the report and that the City Manager is signing off on the report.

Motion adopted unanimously.

ADMINISTRATION

12.1 Resolution 16-009, Approve Joint Powers Agreement No. C0004688 with Anoka County for 109th Avenue and Sunset Avenue Roundabout, City Improvement Project No. 15-18 (SP 002-612-013, SAP 106-020-034).

Moved by Mayor Ryan, seconded by Councilmember Clark, that Resolution 16-009, "Approve Joint Powers Agreement No. C0004688 with Anoka County for 109th Avenue and Sunset Avenue Roundabout, City Improvement Project No. 15-18," be approved.

City Engineer Keely stated Anoka County is proposing a roundabout at 109th Avenue and Sunset Avenue. She stated Anoka County has prepared a JPA based on their cost participation policy and the City is asked to pay a portion of construction cost and 8% construction engineering expenses. She noted the JPA also spells out the City's future maintenance obligations including storm sewer and detention basins; bituminous walks, street lights, and ongoing electrical costs for street lights. She also noted the City will pay for the initial electrical installation for street lights and the ongoing electrical cost. She stated an agreement with Lino Lakes will be brought to both City Councils for approval that will have Lino Lakes reimburse Blaine for half of the initial cost and annual electrical cost for the street lights.

Doug Fischer, Anoka County Engineer, stated the intersection has been a problem for a long time. He stated the County has worked on several intersection variations with minimal environmental impacts. He stated the design has been modified slightly to shorten the trail before the resident's driveway to the north. He stated the County road system is designed to move traffic including tractor trailers and roundabouts minimize the right-of-way impacts for intersections. He stated right-of-way acquisitions will be done upon Council approval of the project. He noted appraisals have been completed with the affected property owners. He stated construction would be planned for late summer 2016. He stated an overlay project on Sunset Avenue to North Road will be added to the project. He noted that the County will need to purchase property for the project and the County will reimburse the affected property owners if they want to get their own property appraised. He noted the Magellan pipeline runs underneath the land.

Tony Capra, 10991 Edison Street, stated he has worked with Mr. Fischer on the project for over eight years. He stated he is one of several of the property owners that have been waiting for this project. He noted the County has worked with the property owners to minimize the property impact. He stated on the southwest leg where the median is he would like full turn access and another full turn access further south for his property. He stated the property owners would like to see the project approved.

Mr. Fischer stated the access request is not part of the JPA. He stated the City's planning and zoning will have to agree to include two full accesses and designed into the project. He stated language for two full accesses can be added to the purchase agreement. He noted the County is willing to work with the property owners.

Mayor Ryan commented 109th Avenue will be widened in the future to accommodate traffic.

Andre Letendre, 11148 Sunset Avenue, stated his family was not given the opportunity to work with the County on this project for the past eight years. He stated he has contacted the County several times with no response. He stated he is not in agreement with the current design and asked the Council to vote against the project.

Mr. Fischer stated the County is trying to minimize the impact to the Letendre's property and have cut back the trail from their driveway. He stated they have a large parcel and the County would need to acquire half of one acre of their 22 acre property. He stated the County will not make financial offers until both Cities are on board. He noted the roads are County roads that have to be designed with State Aid Standards that includes the Regional Trail Plan.

Joan and Dave Yantos, 7262 Sunset Road, stated her property is located in Lino Lakes and she is the third owner of the property and have lived there for over 21 years. She stated her bedroom windows will face the roundabout. She noted she was not notified of the project; but the Lino Lakes Council voted in favor of the project on December 14, 2015. She stated her front yard will be cut in half and a drainage ditch will cut through her property. She stated this project is not the best solution for the road. She stated Anoka County will not purchase her property. She noted one concession is a break in the median for her to make a left turn out of her driveway but there will be no access to her driveway from the north.

Mr. Fischer stated the roundabout was moved away from the Yantos' driveway. He stated Anoka County is not currently purchasing property from the Yantos parcel. He stated the County will use right-of-way for drainage and is willing to purchase a drainage easement. He noted the County would be willing to build a turnaround in the Yantos' driveway.

Councilmember Clark asked if the vote could be postponed in order for the residents to meet with Anoka County. Mr. Fischer replied they have met with the property owners and that the County needs to move forward with the project. He stated the project layout will not changing and asked the Council to approve it but said individual property owner issues will be addressed.

Councilmember Clark noted the Letendres will be losing their access on the south part of their property. Mr. Fischer replied the County agreed to relocate their south access. He stated the County is requesting Council action tonight.

Mayor Ryan commented the County does not take residents land without negotiations. Mr. Fischer commented the County has appraisals ready for the property owners and upon JPA approval the appraisals will be presented to the property owners.

Councilmember Hovland commented the roundabout does not mean an increase in traffic. He stated the roundabout will accommodate future traffic. He noted he is in favor of the project. He stated the project will impact the Yantos' property the most and requested the County accommodate the Yantos as the property will be very difficult to sell in the future.

Councilmember King commented if the JPA is approved can the County move forward and asked if the County would use eminent domain action. Mr. Fischer stated the County can use eminent domain but will continue to negotiate with the property owners. He stated it is the County's desire to settle with all property owners.

Councilmember Swanson stated he supports the project as he drives through the area a lot and sees the need.

Councilmember Clark stated he is not in favor of the project. He stated he agrees the intersection needs to be fixed. He stated he would like a two-week pause for the County to work with the property owners.

Councilmember King commented there has not been good communication to the residents in the area. He stated he would like to postpone the vote on the project for two weeks.

City Attorney Sweeney commented the Council has five members in attendance and needs four members to vote in favor to approve the project.

Mr. Letendre stated he does not trust the County to give them a driveway after everything is signed.

Councilmember Clark asked if the County agreed to relocate Mr. Letendre's southern driveway if that would be acceptable. Mr. Letendre replied he has met with the County and they do not confirm their plans.

Councilmember Clark suggested holding a Special Meeting on February 11, 2016.

Mr. Fischer stated the Council understands the need for the project and supports the project moving forward. He suggested the Council table the item until the February 11, 2016. He noted the project needs approval in order for the County to address the property owner issues.

Councilmember Hovland asked for the County to include maps that address the property owners' concerns.

Mr. Fischer stated the County has designed many similar projects and understands property issues that may need to be addressed. He noted the original design was going to dissect Capra's property and the current plan minimizes the impact.

Councilmember Clark withdrew his second to the motion.

Mayor Ryan withdrew his motion.

Moved by Councilmember Clark, seconded by Mayor Ryan, that "Resolution 16-009, Approve Joint Powers Agreement No. C0004688 with Anoka County for 109th Avenue and Sunset Avenue Roundabout, City Improvement Project No 15-18 (SP 002-612-013, SAP 106-020-034); and Resolution 16-007, Prohibit

Parking on the West Side of Sunset Avenue (CR 53) and Both Sides of 109th Avenue (CSAH12) with Construction of a Roundabout,” be postponed to a Special Council meeting on February 11, 2016.

Motion adopted unanimously.

DEVELOPMENT BUSINESS

11.1 Resolution 16-015, Granting Final Plat Approval to Subdivide 1.14 Acres into Four (4) Lots to be known as Swanson’s Addition, Located at 1040 117th Avenue NE. Larry Swanson (Case File No. 15-0039/SLK).

Moved by Councilmember King, seconded by Councilmember Swanson, that Resolution 16-015, “Granting Final Plat Approval to Subdivide 1.14 Acres into Four (4) Lots to be known as Swanson’s Addition, Located at 1040 117th Avenue NE. Larry Swanson,” be approved.

Planning and Community Development Director Schafer stated the applicant is proposing to infill development on 117th Avenue just west of Highway 65 to create four single family lots. He noted the plat proposes to drain to an infiltration basin on the south side and requires a permit from the Coon Creek Watershed District prior to issuance of building permits and construction.

Councilmember Clark stated he is concerned about putting driveways on a collector street and asked if verbiage could be included in the purchase agreement. Planning and Community Development Director Schafer replied there is no mechanism to state the buyer acknowledges their driveway access is on a collector street.

Motion adopted unanimously.

11.2 Resolution 16-014, Granting Approval of a Corrected Plat of Sanctuary Preserve at Lexington Avenue/114th Avenue NE. Pulte Group (Case File No. 15-0014/LSJ).

Moved by Councilmember King, seconded by Mayor Ryan, that Resolution 16-014, “Granting Approval of a Corrected Plat of Sanctuary Preserve at Lexington Avenue/114th Avenue NE. Pulte Group,” be approved.

Planning and Community Development Director Schafer stated a discrepancy on plat ownership was discovered during recent title work and a new title page will be recorded to remove any potential title issues. He noted the plat correction does not impact the previous plat approval.

Motion adopted unanimously.

11.3 Resolution 16-016, Granting a Conditional Use Permit to allow for the Construction and Operation of a 7,000 Square Foot Daycare Center to be located in a B-3 (Regional Commercial) Zoning District, located at 12267 Aberdeen Street NE. Brian Kovar (Case File No. 15-0075/LSJ).

Moved by Councilmember Clark, seconded by Councilmember Hovland, that Resolution 16-016, “Granting a Conditional Use Permit to allow for the Construction and Operation of a 7,000 Square Foot Daycare Center to be located in a B-3 (Regional Commercial) Zoning District, Located at 12267 Aberdeen Street NE. Brian Kovar,” be approved.

Planning and Community Development Director Schafer stated the applicant is proposing to construct a daycare center. He stated the property is currently zoned B-3 (Regional Commercial) and a conditional use permit is required.

Tiffany Simon, 417 144th Lane NW, Andover, stated she started her business in the Abundant Life Church in 2011 and have had a waiting list for four years and now have an opportunity to expand their business. Councilmember Hovland asked if the business is a school or daycare and if it is tax exempt. Ms. Simon stated her business is an early childhood learning center that is for profit limited liability corporation.

Motion adopted unanimously.

11.4 Resolution 16-017, Granting a Conditional Use Permit to allow for the Construction of a 17,031 Square Foot Retail Building, a Zero Lot Line on the South Lot Line for Shared Parking and Driveway Access, a Zero Lot Line on the South Side for the Proposed Building, and 40 Foot Freestanding Light Structures in the National Market Center Development at 105th Avenue/Davenport Street NE. Peter Deanovic – Buhl Investors (PetSmart) (Case File No. 16-0074/SLK).

Moved by Councilmember Swanson, seconded by Councilmember King, that Resolution 16-017, “Granting a Conditional Use Permit to allow for the Construction of a 17,031 Square Foot Retail Building. A Zero Lot Line on the South Lot Line for Shared Parking and Driveway Access, a Zero Lot Line on the South Side for the Proposed Building, and 40 Foot Freestanding Light Structures in the National Market Center Development at 105th Avenue/Davenport Street NE. Peter Deanovic – Buhl Investors (PetSmart),” be approved.

Planning and Community Development Director Schafer stated the applicant is proposing to develop the property to include a 17,031 square foot retail building which will be part of the National Market Center development. He stated a conditional use permit is required for uses in PBD district.

Motion adopted unanimously.

11.5 Ordinance 16-2339, Rezoning from FR (Farm Residential) to DF (Development Flex) for the Hidden Acres Development at 114th Avenue NE/Pierce Street NE. Cardinal Land Company LLC (Case File No. 15-0072/SLK).

Planning and Community Development Director Schafer stated the applicant is proposing to create 29 single family lots on the property and is requesting a zoning change to DF (Development Flex) to provide more flexibility with setbacks, lot sizes, etc. He noted the property owners to the west are concerned about this new development.

Jeff Parkos, 1067 113th Avenue, gave a history of the area. He stated he is concerned that his property value will fall and will be boxed in. He asked if the City plans to install sewer and water utilities on 113th Avenue. He requested copies of the developer’s proposal.

Josh Kersten, 1101 113th Avenue, stated he does not oppose the development. He asked for the 113th Court stub to connect to the properties to the east. He noted he had met with the developer and the developer provided alternatives; although he did not like the alternatives.

Planning and Community Development Director Schafer stated there have been several ghost plats for the project. He stated the developer would need to provide an access point at lot 6 in order to connect 113th Court.

Jim Sotanski, 1057 113th Avenue, stated he is requesting lot 6 be left open for access. He stated he is also concerned about tree removal. He stated the development will impact the neighborhood and he is requesting accommodations be made. He suggested the City purchase green space and not designate the land as park. He stated he heard that the sewer utilities will be extended from Polk Street through his land to the new development. He stated he is also concerned about the trees being cleared from 114th Avenue.

Steve Bono, Capstone Homes 14015 Sunfish Lake, Ramsey, stated a ghost plat shows 113th with a cul-de-sac. He stated he has an option for Parkos and Kersten, and Sotanski does not have to be involved with the option. He stated the Fitzsimons are ready to move forward now.

Planning and Community Development Director Schafer stated lot 6 could be used as an access, but he did not know if utilities would be brought through at this location. He stated water would be brought down from 114th and sewer from the north or west. He stated he has several guide plans for this area.

Councilmember Hovland left the meeting at 9:38 p.m. and returned at 9:40 p.m.

Don Fitzsimmons, Blaine, stated he has waited a long time for this project. He stated the Capstone project looks wonderful and he may be their first customer.

Declared by Mayor Ryan that Ordinance 16-2339, "Rezoning from FR (Farm Residential) to DF (Development Flex) for the Hidden Acres Development at 114th Avenue NE/Pierce Street NE. Cardinal Land Company LLC" be introduced and placed on file for second reading at the February 18, 2016, Council meeting.

Councilmember Clark left the meeting at 9:43 p.m. and returned at 9:44 p.m.

11.6 Ordinance 16-2340, Rezoning from I-1 (Light Industrial) to I-2 (Heavy Industrial) at the Northeast Corner of Naples Street/101st Avenue NE. City of Blaine (Case File No. 15-0077/BKS).

Planning and Community Development Director Schafer stated Council directed staff to initiate a land use and rezoning change for seven (7) parcels on the east side of Naples Street industrial area from I-1 (Light Industrial) to I-2 (Heavy Industrial).

Declared by Mayor Ryan that Ordinance 16-2340, "Rezoning from I-1 (Light Industrial) to I-2 (Heavy Industrial) at the Northeast Corner of Naples Street/101st Avenue NE. City of Blaine" be introduced and placed on file for second reading at the February 18, 2016, Council meeting.

11.7 Ordinance 16-2341, Amending Chapter 18, Article IX Swimming Pools of the Code of Ordinance of the City of Blaine.

Planning and Community Development Director Schafer stated the purpose of the ordinance is to establish new setback provisions and standards for pool installations.

Declared by Mayor Ryan that Ordinance 16-2341, "Amending Chapter 18, Article IX Swimming Pools of the Code of Ordinance of the City of Blaine" be introduced and placed on file for second reading at the February 18, 2016, Council meeting.

11.8 Ordinance 16-2342, Granting a Code Amendment to the I-2 (Heavy Industrial) and I-2A (Heavy Industrial) Zoning Districts that would Establish New Minimum Building Standards for Outside Storage Uses (Greater than One Acre) and Truck Terminals. City of Blaine (Case File No. 15-0076/BKS).

Planning and Community Development Director Schafer stated Council directed staff to initiate changes to I-2 and I-2A (Heavy Industrial) to establish higher building standards for uses that require larger outside storage areas or truck storage for heavy trucking companies.

Councilmember Hovland stated he is concerned about the four-time increase in square footage of the building. Planning and Community Development Director Schafer replied the increase in building square footage would only be for lots that have one acre of outside storage and would not apply to smaller lots.

Councilmember Clark asked if the proposed change would affect Mr. Larson's parcel. Planning and Community Development Director Schafer replied Mr. Larson has two properties and one property would be affected. He noted that a truck terminal is not permitted in the current zone.

Councilmember Swanson stated this is a good compromise and he is in favor of the code amendment. He suggested City Planning meet with Mr. Larson about his properties.

Declared by Mayor Ryan that Ordinance 16-2342, "Granting a Code Amendment to the I-2 (Heavy Industrial) and I-2A (Heavy Industrial) Zoning Districts that would Establish New Minimum Building Standards for Outside Storage Uses (Greater Than One Acre) and Truck Terminals. City of Blaine" be introduced and placed on file for second reading at the February 18, 2016, Council meeting.

ADMINISTRATION (continued)

~~12.1 Resolution 16-009, Approve Joint Powers Agreement No. C0004688 with Anoka County for 109th Avenue and Sunset Avenue Roundabout, City Improvement Project No. 15-18 (SP 002-612-013, SAP 106-020-034).~~

Moved on the agenda to follow the Consent Agenda.

~~12.2 Resolution 16-007, Prohibit Parking on the West Side of Sunset Avenue (CR 53) and Both Sides of 109th Avenue (CSAH 12) with Construction of a Roundabout.~~

Agenda item removed.

12.3 Motion 16-020, Authorize Mayor and City Manager to enter into Contract with Bolton & Menk, Inc. in the not to Exceed Amount of \$163,705 for Design and Construction Services for the Reconditioning of Water Tower No. 1 (Improvement Project No. 15-19) in Accordance with Proposal Dated December 2, 2015.

Moved by Councilmember Clark, seconded by Councilmember King, that Motion 16-020, "Authorize Mayor and City Manager to enter into Contract with Bolton & Menk, Inc. in the not to Exceed Amount of \$163,705

for Design and Construction Services for the Reconditioning of Water Tower No. 1 (Improvement Project No. 15-19) in Accordance with Proposal Dated December 2, 2015,” be approved.

Public Services Manager Therres stated the proposed tower work includes removing all paint (inside and outside), and updating interior lighting and electrical systems. He noted the tower’s unique design and inside structure is complex and requires additional labor and inspection time.

Motion adopted unanimously.

12.4 Resolution 16-018, Firearms Sighting Systems Purchase.

Moved by Councilmember Swanson, seconded by Mayor Ryan, that Resolution 16-018, “Resolution 16-018, Firearms Sighting Systems Purchase,” be approved.

Police Chief/Safety Services Manager Olson stated the Police Department has been made aware of concerns on the holographic sighting systems that are mounted on all Police Department issued rifles and have removed the defective sighting systems. He stated staff have identified another sighting system for the rifles and is requesting an amendment to the 2016 Capital budget of \$25,000 to purchase the new sighting systems. He noted that staff will work on reimbursement

Motion adopted unanimously.

OTHER BUSINESS

None.

ADJOURNMENT

Moved by Councilmember Hovland, seconded by Councilmember King, to adjourn the meeting at 10:06 p.m.

Tom Ryan, Mayor

ATTEST:

Catherine Sorensen, City Clerk

Submitted by TimeSaver Off Site Secretarial, Inc.