



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

10801 Town Square Drive
Blaine MN 55449

Thursday, October 15, 2015

7:30 PM

Council Chambers

1. CALL TO ORDER BY THE MAYOR

The meeting was called to order at 7:41 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: 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; Communications Technician Roark Haver; Senior Engineering Technician Jason Sundeen; City Clerk Catherine Sorensen; and Recording Secretary Linda Dahlquist.

Present: 6 - Tom Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

Absent: 1 - Councilmember Clark

4. APPROVAL OF MINUTES

4.-1 [MIN 15-29](#) RECENTLY HELD MEETINGS

Moved by Councilmember Hovland, seconded by Councilmember Bourke, that the Workshop Meeting Minutes of October 1, 2015 and the Regular Meeting Minutes of October 1, 2015, be approved.

Motion adopted unanimously.

Aye: 6 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

6. COMMUNICATIONS

Mayor Ryan welcomed Self Storage to Blaine.

Mayor Ryan stated the road work on 109th Avenue will take one month to complete.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:44 p.m.

There being no input, Mayor Ryan closed the Open Forum at 7:44 p.m.

8. ADOPTION OF AGENDA

Adopted as presented.

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

None.

10. APPROVAL OF CONSENT AGENDA:

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

Motion adopted unanimously.

Aye: 6 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

10.-1 [MO 15-126](#) SCHEDULE OF BILLS PAID

Approved

10.-2 [ORD 15-2329](#) SECOND READING

VACATION OF DRAINAGE AND UTILITY EASEMENTS FOR LARSON ESTATES, VACATION NO. V15-04

Adopted

11. DEVELOPMENT BUSINESS

11.-1 [ORD 15-2326](#) SECOND READING

REZONING FROM FR (FARM RESIDENTIAL) TO R-1 (SINGLE FAMILY) FOR THE SWANSONS ADDITION DEVELOPMENT LOCATED AT 1040 117TH AVE NE. LARRY SWANSON. (CASE FILE NO. 15-0039/EOW)

Planning and Community Development Director Schafer stated the applicant is proposing to infill the development on 117th Avenue. He stated the parcel is 1.14 acres and will consist of four single family lots. He noted there is one existing home that will remain.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that Ordinance 15-2326, "Rezoning from FR (Farm Residential) to R-1 (Single Family) for the Swanson Addition Development Located at 1040 117th Avenue NE. Larry Swanson," be approved.

Motion adopted unanimously.

Aye: 6 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

11.-2 [RES 15-169](#) GRANTING PRELIMINARY PLAT APPROVAL TO SUBDIVIDE 1.14 ACRES INTO FOUR (4) LOTS TO BE KNOWN AS SWANSONS ADDITION, LOCATED AT 1040 117TH AVENUE NE. LARRY SWANSON. (CASE FILE NO. 15-0039/EOW)

Planning and Community Development Director Schafer stated the applicant is proposing to infill the development on 117th Avenue. He stated the parcel is 1.14 acres and will consist of four single family lots. He noted there is one existing home that will remain.

Councilmember Swanson commented that he is not related to the developer.

Moved by Councilmember King, seconded by Councilmember Hovland, that Resolution 15-169, "Granting Preliminary Plat Approval to Subdivide 1.14 Acres into Four (4) Lots to be known as Swanson Addition Located at 1040 117th Avenue NE. Larry Swanson," be approved.

Motion adopted unanimously.

Aye: 6 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

11.-3 [RES 15-170](#) GRANTING A COMPREHENSIVE LAND USE AMENDMENT FROM A (AIRPORT) TO ABD (AIRPORT BUSINESS DISTRICT) AT COUNTY ROAD J/93RD LANE EXTENSION. CITY OF BLAINE. (CASE FILE NO. 15-0046/BKS)

Councilmember Swanson stated the neighborhood has had discussions on the issue of including Medium Density Residential (MDR) in this area and that he

would like to see that use removed.

Moved by Councilmember Swanson, seconded by Councilmember Hovland, that Resolution 15-170, "Granting a Comprehensive Land Use Amendment from A (Airport) to ABD (Airport Business District) at County Road J/93rd Lane Extension. City of Blaine," be approved with the removal of the Medium Density Residential (MDR) land use.

Motion adopted unanimously.

Aye: 6 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

11.-4 [ORD 15-2324](#)

SECOND READING

GRANTING A REZONING FROM A (AIRPORT) TO PBD-A (PLANNED BUSINESS DISTRICT-AIRPORT) AT COUNTY ROAD J/93RD LANE EXTENSION. METROPOLITAN AIRPORTS COMMISSION. (CASE FILE NO. 15-0046/BKS)

Planning and Community Development Director Schafer stated MAC has made an application to regrade and rezone 27 acres south of Highway 10 and west of Airport Road (93rd Lane Extension). He stated MAC has approved non-aviation commercial uses for this site and has directed MAC staff market the site.

Declared by Mayor Ryan that Ordinance 15-2324, "Granting a Rezoning from A (Airport) to PBD-A (Planned Business District-Airport) at County Road J/93rd Lane Extension. Metropolitan Airports Commission," be introduced and placed on file for second reading at the November 5, 2015, Council meeting.

12. ADMINISTRATION

12.-1 [RES 15-171](#)

SUPPORT OF THE DEVELOPMENT OF THE BUNKER CHAIN OF LAKES REGIONAL TRAIL

Public Services Manager Therres stated staff reviewed and is in support of Anoka County's master plan for the Bunker Chain of Lakes Regional Trail.

Karen Blaska, Anoka County Parks Department, stated the proposed 14.5 mile Bunker Chain of Lakes Regional Trail corridor is located in the south east quadrant of the County and traverses through the cities of Blaine, Lino Lakes and Centerville. She noted there are three segments of trail to construct for completion in Blaine, which are located on CSAH 14 Main Street, Lakes development to Lexington Avenue and CSAH 23/109th and Sunset. She noted there are no additional costs to the City, although the operations and maintenance costs are split between the County and local municipalities.

Moved by Councilmember Herbst, seconded by Councilmember King, that Resolution 15-171, "Support of the Development of the Bunker Chain of Lakes Regional Trail," be approved.

Motion adopted unanimously.

Aye: 6 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

12.-2 [RES 15-172](#)**ADOPT 2016 CABLE TELEVISION BUDGET**

Finance Director Huss gave an overview of the 2016 Cable Television Fund Budget and noted the franchise tax revenue is expected to remain flat, interest earnings are expected to decrease with a planned spend-down of reserves, the budgeted operating expenditures will increase 2.4% above 2015 expenditures, and planned capital expenditures include digital upgrades.

Councilmember King asked about capital improvements for third floor. Finance Director Huss replied the item is included in the five-year budget plan and is currently scheduled for inclusion in the 2017 budget cycle.

Moved by Mayor Ryan, seconded by Councilmember Herbst, that Resolution 15-172, "Adopt 2016 Cable Television Budget," be approved.

Motion adopted unanimously.

Aye: 6 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

12.-3 [RES 15-173](#)**ADOPT 2016 CHARITABLE GAMBLING FUND BUDGET**

Finance Director Huss stated the City has four active organizations contributing to the Charitable Gambling Fund. He stated since 2009 the fund has grown considerably. He noted there is \$167,250 available for distribution to 15 organizations in 2016. He commented the fund does have a reserve that would be used as a buffer in case legislation to eliminate charitable gambling funds going to municipalities passes in the future.

Moved by Councilmember King, seconded by Councilmember Hovland, that Resolution 15-173, "Adopt 2016 Charitable Gambling Fund Budget," be approved.

Motion adopted unanimously.

Aye: 6 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

12.-4 [MO 15-127](#)**AUTHORIZE CHANGE ORDER NO. 4 IN THE AMOUNT OF \$45,613.06 FOR THE AQUATORE PARK SOFTBALL CONSTRUCTION AT 9191 LINCOLN STREET, IMPROVEMENT PROJECT NO. 12-09**

Public Services Manager Therres stated there have been three change orders on the project and final quantities have been verified, extra irrigation work, security lights for shed, metal dugout roofs and additional soil corrections under trails require a fourth change order to authorize the final contract

payment.

Councilmember Swanson commented the City has contributed \$400,000 to the curling rink.

City Manager Arneson stated photos of the park improvement will be displayed on the City's website.

Councilmember King asked about the change order for project issues. Public Services Manager Therres replied excavation revealed soil issues and water issues.

Councilmember King said he was not in favor of the installation of dugout roofs.

Moved by Councilmember Hovland, seconded by Councilmember Swanson, that Motion 15-127, "Authorize Change Order No. 4 in the amount of \$45,613.06 for the Aquatore Park Softball Construction at 9191 Lincoln Street," be approved.

Motion adopted 5-1 (Councilmember King).

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

Nay: 1 - Councilmember King

12.-5 [ORD 15-2327](#)

SECOND READING

REPEALING AND REPLACING CHAPTER 32.00, FLOOD PLAIN OVERLAY DISTRICT OF THE ZONING ORDINANCE OF THE CITY OF BLAINE REFERENCE TO COINCIDE WITH FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REVISED FLOOD INSURANCE RATE MAPS (FIRM) TO BE EFFECTIVE DECEMBER 16, 2015

Public Services Manager Therres stated the Federal Emergency Management Agency (FEMA) has new Flood Insurance Rate Maps (FIRM) for Blaine and the new maps are revised to reflect new streets, elevations data and air photos that will be incorporated into Blaine's GIS system. He stated staff is recommending Council approve a code amendment to Chapter 32.02 of the Flood Plain Overlay Ordinance to update ordinance references to coincide with FEMA. He noted this amendment will affect approximately 12 residents and encouraged them to contact the City on how to be removed from this floodplain designation.

Councilmember Hovland commented there is a form that affected residents can complete and that City staff will assist in the process.

Moved by Mayor Ryan, seconded by Councilmember Swanson, that Ordinance 15-2327, "Repealing and Replacing Chapter 32.00, Flood Plain Overlay District

of the Zoning Ordinance of the City of Blaine Reference to Coincide with Federal Emergency Management Agency (FEMA) Revised Flood Insurance Rate Maps (FIRM) to be Effective December 16, 2015,” be approved.

Motion adopted unanimously.

Aye: 6 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

12.6 [RES 15-174](#)

PUBLICATION OF THE TITLE AND SUMMARY OF ORDINANCE 15-2327, REPEALING AND REPLACING CHAPTER 32.00, FLOOD PLAIN OVERLAY DISTRICT OF THE ZONING ORDINANCE OF THE CITY OF BLAINE REFERENCE TO COINCIDE WITH FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REVISED FLOOD INSURANCE RATE MAPS (FIRM) TO BE EFFECTIVE DECEMBER 16, 2015

Public Services Manager Therres stated this is a summary resolution of Ordinance 15-2327 allowed by Statute for publication purposes.

Moved by Mayor Ryan, seconded by Councilmember Swanson, that Resolution 15-174, “Publication of the Title and Summary of Ordinance 15-2327, “Repealing and Replacing Chapter 32.00, Flood Plain Overlay District of the Zoning Ordinance of the City of Blaine Reference to Coincide with Federal Emergency Management Agency (FEMA) Revised Flood Insurance Rate Maps (FIRM) to be Effective December 16, 2015,” be approved.

Motion adopted unanimously.

Aye: 6 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

12.7 [ORD 15-2328](#)

FIRST READING

AMENDING CHAPTER 14 - ANIMALS AND CHAPTER 54 - PARKS AND RECREATION, CODE OF ORDINANCES OF THE CITY OF BLAINE

Police Chief/Safety Services Manager Chris Olson stated staff recommended changes to the animal-related Ordinances. He stated the changes are to update and clarify outdated ordinances (rabies and animal control authority), dangerous dogs and potentially dangerous dogs, and changes to restraint definitions. He noted an update was also made to the ordinance regarding police dogs and other public service dogs.

Councilmember King stated he is opposed to adding potentially dangerous and restraint compliance. Police Chief/Safety Services Manager Olson commented the immediately obedient to the owner’s command language is vague and difficult for an officer to enforce. He stated a dog is under control on a leash. He stated having potentially dangerous offers a tiered level to dangerous. He gave an overview of the criteria of actions for potentially

dangerous.

Councilmember Bourke asked if officers will have special training to determine if a dog is potentially dangerous. Police Chief/Safety Services Manager Chris Olson replied there is a criteria of actions that the officer would be aware of and based on the report by the witness the officer would determine if the animal is potentially dangerous or dangerous.

Councilmember Bourke stated he is in support of leash restraint and the State Statute for dangerous dog.

Moved by Mayor Ryan, seconded by Councilmember Swanson, that Ordinance 15-2328, "Amending Chapter 14 – Animals and Chapter 54 – Parks and Recreation, Code of Ordinances of the City of Blaine," be approved.

Moved by Councilmember King, seconded by Councilmember Bourke, to strike anything relative to potentially dangerous.

**Councilmember Bourke - Yes
Councilmember Herbst - Yes
Councilmember Hovland - Yes
Councilmember King - Yes
Councilmember Swanson - No
Mayor Ryan - No**

Amendment adopted 4-2.

Aye: 4 - Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

Nay: 2 - Mayor Ryan and Councilmember Swanson

City Attorney Sweeney stated the proposed amended ordinance is substantially different than first reading and recommended that Council begin the process again by conducting a new first reading of the ordinance striking all references to potentially dangerous dogs at the next regular Council meeting.

City Clerk Sorensen noted for the record that a new first reading will be scheduled for November 5, 2015, and that the preceding ordinance was not adopted.

First reading will be scheduled for November 5, 2015, and that the preceding ordinance was not adopted.

12.-8 [RES 15-175](#)

PUBLICATION OF THE TITLE AND SUMMARY OF ORDINANCE 15-2328, AMENDING CHAPTER 14 - ANIMALS AND CHAPTER 54 - PARKS AND RECREATION, CODE OF ORDINANCES OF THE CITY OF BLAINE

Agenda item 12.8 is removed due to need for new first reading.

12.-9 [MO 15-128](#)**LEGAL REPRESENTATION FOR UNION NEGOTIATIONS**

City Manager Arneson stated staff received five hourly rate quotes for legal representation for Union negotiations and recommends Scott Lepak, Barna, Guzy & Steffen of Coon Rapids at a rate of \$150 per hour.

Councilmember Bourke asked if the lowest bidder has the needed qualifications. City Manager Arneson replied the lowest bidder does have the qualifications, but would be charging drive time from Plymouth, which would cost the City more money.

City Manager Arneson requested a Closed Council Session be scheduled for November 5 at 6:30 p.m.

Mayor Ryan stated he does not support this motion.

Councilmember Swanson stated he does not support this motion.

Councilmember Bourke asked if labor negotiations needs legal representation. City Manager Arneson replied legal representation is not needed for negotiations, but arbitration does need legal representation.

Councilmember Bourke stated it is unfair for staff that work with the represented employees to conduct negotiations with the unions. He stated he supports this motion.

Councilmember Herbst stated he supports this motion.

Councilmember King stated he supports this motion and prefers to go with the lowest bid.

Councilmember Swanson commented if the motion passes the City should use the recommended attorney.

Councilmember Bourke asked about the attorneys' charging the City travel time. City Manager Arneson replied all attorneys would charge travel time but noted Barna, Guzy & Steffen's office is in Coon Rapids.

Moved by Councilmember Herbst, seconded by Councilmember Hovland, that Motion 15-128, "Legal Representation for Union Negotiations," be approved.

Councilmember Bourke - Yes

Councilmember Herbst - Yes

Councilmember Hovland - Yes

Councilmember King - Yes

Councilmember Swanson - No

Mayor Ryan - No

Motion adopted 4-2.

Aye: 4 - Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

Nay: 2 - Mayor Ryan and Councilmember Swanson

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that a Closed Council Session be scheduled for November 5, 2015, at 6:30 p.m.

Motion adopted unanimously.

Aye: 6 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

**12. [MO 15-129](#)
-10**

AUTHORIZE AGREEMENT FOR I.S. BUSINESS ANALYSIS

Financial Director Huss stated staff sent request for quotes to six potential vendors and three vendors responded with quotes. He stated staff recommends Technology Management Corporation (TMC) in Shorewood, Minnesota. He stated TMC's proposal includes an initial operational review to be conducted in 15 hours.

Moved by Councilmember Swanson, seconded by Mayor Ryan, that Motion 15-129, "Authorize Agreement for I.S. Business Analysis," be approved.

Motion adopted unanimously.

Aye: 6 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

13. OTHER BUSINESS

None.

14. ADJOURNMENT

Moved by Councilmember Herbst, seconded by Councilmember Bourke, to adjourn the meeting at 8:38 p.m.