



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

10801 Town Square Dr.
Blaine MN 55449

Thursday, October 3, 2013

7:30 PM

Council Chambers

Meeting Number 13-49

1. CALL TO ORDER BY THE MAYOR

The meeting was called to order at 7:30 p.m. by Mayor Pro Tem Swanson followed by the Pledge of Allegiance and the Roll Call.

Quorum present.

ALSO PRESENT: Bryan Schafer, Planning Director; Bob Therres, Public Services Manager; Joe Huss, Finance Director; Chris Olson, Police Chief/Safety Services Manager; Nate Monahan, Parks and Recreation Program Supervisor; Jean Keely, City Engineer; Roark Haver, Communications Technician; Al Thorp, Senior Engineering Technician; Jane Cross, City Clerk; and Recording Secretary Linda Dahlquist.

Present: 5 - Mayor Pro Tem Swanson, Councilmember Clark, Councilmember Bourke, Councilmember Kolb and Councilmember Herbst

Absent: 2 - Mayor Ryan and Mayor Pro Tem Hovland

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES

4.1 [MIN 13-23](#)

WORKSHOP MEETING - 06/13/2013
WORKSHOP MEETING - 09/19/2013
CLOSED MEETING - 09/19/2013
REGULAR MEETING - 09/19/2013

Sponsors: Cross

Attachments: [Workshop Minutes 06/13/2013](#)
[Workshop Minutes 09/19/2013](#)
[Regular Minutes 09/19/2013](#)
[Closed Labor Negotiation 09/19/2013](#)

Moved by Councilmember Clark, seconded by Councilmember Kolb, that the Minutes be Approved. Motion adopted 4-0-1. (Councilmember Herbst abstained from the Workshop Meeting Minutes of June 13, 2013 due to his absence.)

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

6. COMMUNICATIONS

6.1 [TMP 13-1223](#)

2012 AUDIT REPORT

Sponsors: Huss

City Manager Arneson introduced Peggy Moeller, from HLB Tautges Redpath (HLBTR) to give a reporting of the City's 2012 audit results.

Ms. Moeller stated there are four reports issued with the audit. She stated the first is the Comprehensive Annual Financial Report (CAFR); the City received a "clean opinion" on the 2012 financial statements. She stated the City received the 2011 GFOA Certificate of Achievement for Excellence in Financial Reporting Program. She noted that the 2012 report has been submitted and the award is expected as well. She stated the second report is the Report on Internal Control where there were two findings and management's corrective actions. She stated the third report is the State Legal Compliance Report shows one compliance finding that has been resolved. She stated the Communication With Those Charged With Governance report did not have any showings.

Moved by Councilmember Bourke, seconded by Councilmember Herbst, to accept the 2012 Audit Report.

Motion adopted unanimously.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Pro Tem Swanson opened the Open Forum at 7:34 p.m.

There being no input, Mayor Pro Tem Swanson closed the Open Forum at 7:34 p.m.

8. ADOPTION OF AGENDA

Mayor Pro Tem Swanson moved agenda item 9.5 to be heard first under Public Hearings.

Action 13-288 (AI 8)

Moved by Councilmember Kolb, seconded by Councilmember Bourke, to move agenda item 9.5 to be heard first under Public Hearings.

Motion adopted unanimously.

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

Moved on the agenda to follow agenda item 12.9.

The Following Item is Scheduled for First Reading

10. APPROVAL OF CONSENT AGENDA:

Approval of the Consent Agenda

Moved by Councilmember Clark, seconded by Councilmember Bourke, that the following items be Adopted by Consent The motion carried by the following vote

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

10.1 [MO 13-123](#)

SCHEDULE OF BILLS PAID

Sponsors: Huss

Attachments: [09/13/13 Bills Paid](#)
[09/20/13 Bills Paid](#)

This that this Motion be Approved by consent roll call

10.2 [MO 13-124](#)

**APPROVE AN AMUSEMENT DEVICE LICENSE FOR
BLAZIN WINGS, INC. DBA BUFFALO WILD WINGS,
1540 109TH AVENUE NE, BLAINE**

Sponsors: Cross

This that this Motion be Approved by consent roll call

10.3 [MO 13-125](#)

APPROVE A TEMPORARY ON-SALE 3.2% MALT

**BEVERAGE LICENSE FOR SGT. JOHN RICE VFW
POST #6316, OCTOBERFEST FUND RAISING ON
OCTOBER 6TH AT 1374 109TH AVENUE NE,
BLAINE.**

Sponsors: Cross

This that this Motion be Approved by consent roll call

10.4 [MO 13-128](#)

**ACCEPTING DONATION IN THE AMOUNT OF \$500
FROM TRUCK WRITERS, INC**

Attachments: [2013 Truck Writers.pdf](#)

This that this Motion be Approved by consent roll call

11. DEVELOPMENT BUSINESS

11.1 [RES 13-156](#)

**GRANTING FINAL PLAT APPROVAL TO SUBDIVIDE 5.6
ACRES INTO 27 TOWNHOME (CONDO) LOTS, THREE
COMMON LOTS AND THREE OUTLOTS TO BE KNOWN
AS LEGACY CREEK 3RD ADDITION AT 125TH
DRIVE/OKINAWA STREET NE. SOURCE
CONSTRUCTION CAPITAL. (CASE FILE NO. 13-0052/LSJ)**

Sponsors: Schafer

Attachments: [Legacy Creek Final Plat - Attachments.pdf](#)

Planning Director Schafer stated the applicant if requesting final plat approval for Legacy Creek 3rd Addition which includes 27 condo lots and 3 common lots. He noted there are three outlots that will contain private streets and more townhomes in the future.

Moved by Councilmember Kolb, seconded by Councilmember Herbst, that this Resolution be Adopted. The Motion was adopted unanimously.

11.2 [RES 13-157](#)

**GRANTING A CONDITIONAL USE PERMIT TO
CONSTRUCT 27 TOWNHOME UNITS IN A DF
(DEVELOPMENT FLEX) ZONING DISTRICT AT 125TH
DRIVE/OKINAWA STREET NE. SOURCE
CONSTRUCTION CAPITAL. (CASE FILE NO. 13-0052/LSJ)**

Sponsors: Schafer

Attachments: [Legacy Creek - Attachments.pdf](#)

Planning Director Schafer stated the applicant is requesting a conditional use permit amendment to set the standards of development and negate the townhome designs submitted by the former builder, Centex.

Moved by Councilmember Herbst, seconded by Councilmember Clark, that this Resolution be Adopted. The Motion was adopted unanimously.

11.3 [RES 13-169](#)

**FINAL PLAT TO SUBDIVIDE 2.51 ACRES INTO 16
SINGLE FAMILY LOTS TO BE KNOWN AS THE LAKES
OF RADISSON FIFTY-SEVENTH ADDITION AT 123RD
LANE/KISKA CIRCLE NE. (CASE FILE NO. 13-0056/SLK)**

Sponsors: Schafer

Attachments: [Lakes 57th Addition - Attachments.pdf](#)

Planning Director Schafer stated The Lakes of Radisson 57th Addition consists of subdividing approximately 2.5 acres into a subdivision of 16 lots.

Moved by Councilmember Bourke, seconded by Councilmember Herbst, that this Resolution be Adopted. The Motion was adopted unanimously.

12. ADMINISTRATION

12.1 [RES 13-170](#)

**ACCEPT BID FROM DOUGLAS KERR UNDERGROUND,
LLC IN THE AMOUNT OF \$66,969.15 FOR THE 115TH
AVENUE FORCE MAIN REPLACEMENT IMPROVEMENT
PROJECT NO. 13-11**

Sponsors: Keely

Attachments: [location map.pdf](#)

City Engineer Keely stated five bids were received, checked and tabulated and it has been determined that Douglas Kerr Underground, LLC of Mora is the lowest bidder. She stated staff has worked with Douglas Kerr Underground, LLC on previous contracts and recommends the low bid be accepted and a contract entered into with Douglas Kerr Underground, LLC. She stated the Council is also asked to approve a 10% contingency for the project budget. She stated the funding source for the project is the Sanitary Sewer Utility Fund and there are sufficient funds to cover the costs.

Moved by Councilmember Clark, seconded by Councilmember Kolb, that this Resolution be Adopted. The Motion was adopted unanimously.

12.2 [MO 13-126](#)

ACCEPTING THE PROPOSAL FOR REPLACEMENT

**PLAYGROUND EQUIPMENT IN THE AMOUNT NOT TO
EXCEED \$30,000 FROM MINNESOTA/WISCONSIN
PLAYGROUND FOR LITTLE BIT PARK.**

Sponsors: Monahan

Attachments: [LittleBitPlayground.jpg](#)

Parks and Recreation Program Supervisor Monahan stated Little Bit Park playground equipment is 15 years old and recently the slide was removed due to unsafe conditions and replacement parts are no longer available from the manufacturer. He stated staff researched playground equipment and chose the playground equipment line that is manufactured by GameTime and supplied by Minnesota/Wisconsin Playground. He noted the cost is to include the equipment, installation and any associated costs and cannot exceed the budgeted \$30,000.

Moved by Councilmember Kolb, seconded by Councilmember Herbst, that this Motion be Approved. The Motion was adopted unanimously.

12.3 [RES 13-171](#)

**INITIATE PROJECT AND ORDER PREPARATION OF
FEASIBILITY REPORT FOR THE PARTIAL
RECONSTRUCTION OF JEFFERSON STREET FROM
125TH AVENUE TO THE NORTHERN CITY LIMITS,
IMPROVEMENT PROJECT NO. 13-18**

Sponsors: Keely

Attachments: [Jefferson Street Location Map.pdf](#)

City Engineer Keely stated the MSAS account fund balance is approaching an amount where the City will be penalized from the State if a portion of the funds are not used. She stated staff has reviewed several eligible state aid streets that have reached or surpassed their 20 year life cycle and are in poor condition. She stated staff is recommending for 2014 the partial reconstruction of Jefferson Street from 125th Avenue to the northern city limits. She stated the project would be funded by MSAS funds, Pavement Management Program funds, Public Utility funds, and assessments to benefitting properties of 25% of the actual costs of a residential street.

Councilmember Herbst asked if partial payment has been made. City Engineer Keely replied no payment has been made on this project. She noted survey work is being done on Harpers Street.

Councilmember Kolb stated the residents will be able to be heard at the upcoming Public Hearing.

Moved by Councilmember Kolb, seconded by Councilmember Herbst, that this Resolution be Adopted. The Motion was adopted unanimously.

12.4 [RES 13-172](#)

**INITIATE PROJECT AND ORDER PREPARATION OF
FEASIBILITY REPORT FOR THE RECONSTRUCTION OF
ABLE STREET FROM CSAH 10 TO 89TH AVENUE,
IMPROVEMENT PROJECT NO. 13-19**

Sponsors: Keely

Attachments: [Able Street Location Map.pdf](#)

City Engineer Keely stated the MSAS account fund balance is approaching an amount where the City will be penalized from the State if a portion of the funds are not used. She stated staff has reviewed several eligible state aid streets that have reached or surpassed their 20 year life cycle and are in poor condition. She stated staff is recommending for 2014 the partial reconstruction of Able Street from CSAH 10 to 89th Avenue. She stated the project would be funded by MSAS funds, Pavement Management Program funds, Public Utility funds, and assessments to benefitting properties of 25% of the actual costs of a residential street.

Moved by Mayor Pro Tem Swanson, seconded by Councilmember Kolb, that this Resolution be Adopted. The Motion was adopted unanimously.

12.5 [RES 13-173](#)

**INITIATE PROJECT AND ORDER PREPARATION OF
FEASIBILITY REPORT FOR RECONSTRUCTION OF THE
EAST CENTRAL AVENUE SERVICE ROAD FROM 87TH
AVENUE TO 89TH AVENUE, IMPROVEMENT PROJECT
NO. 13-20**

Sponsors: Keely

Attachments: [E Central Ave Service Road Location Map.pdf](#)

City Engineer Keely stated East Central Avenue Service Road from 87th Avenue to 89th Avenue has been identified as needing reconstruction. She stated staff has reviewed several eligible streets that have reached or surpassed their 20 year life cycle and are in poor condition. She stated the project would be funded by the Pavement Management Program funds and assessments to benefitting properties of 50% of the actual costs of commercial zoned properties.

Moved by Mayor Pro Tem Swanson, seconded by Councilmember Bourke, that this Resolution be Adopted. The Motion was adopted unanimously.

12.6 [RES 13-174](#)**ADOPT 2014 CABLE TELEVISION BUDGET**

Sponsors: Huss

Attachments: [230 - Cable TV 2014 FINAL.pdf](#)

Finance Director Huss stated the cable budget was reviewed at a Workshop in September. He noted cable television operates from franchise fees collected from the North Metro Television Commission.

Moved by Councilmember Herbst, seconded by Councilmember Kolb, that this Resolution be Adopted. The Motion was adopted unanimously.

12.7 [MO 13-127](#)**APPROVE FUNDING FOR HAPPY ACRES RINK #3
PAVING**

Sponsors: Public Works Director Ulrich

Public Services Manager Therres stated staff is requesting the paving of Happy Acres rink #3.

Moved by Councilmember Kolb, seconded by Councilmember Clark, that this Motion be Approved. The Motion was adopted unanimously.

12.8 [MO 13-129](#)**COMMUNITY CENTER TASK FORCE UPDATE**

Sponsors: Therres

Attachments: [staff memo community cntr applicants](#)

Community Center list of applicants

[Community Center Task Force Timeline](#)

Public Services Manager Therres stated the City has received 34 applicants for the task force. He noted the Council will consider appointments at the Council meeting on October 17, 2013.

Postponed

12.9 [RES 13-175](#)**ACCEPT BID FROM BARBER CONSTRUCTION, INC. IN
THE AMOUNT OF \$62,491.70 FOR THE CONSTRUCTION
OF TENNIS AND BASKETBALL COURT AT AURELIA
PARK IMPROVEMENT PROJECT NO. 13-17**

Sponsors: Keely

City Engineer Keely stated a total of eight bids were received, checked and tabulated, and it has been determined that Barber Construction, Inc. of St. Bonifacius is the lowest bidder. She stated staff has not worked with Barber Construction, Inc. previously and has checked references. She stated staff

recommends the low bid be accepted and a contract entered into with Barber Construction, Inc. She stated the Council is also asked to approve a 10% contingency for the project budget. She stated the funding source for the project is the Park Development Fund and there are sufficient funds to cover the costs. She stated the Park Board has recommended a neighborhood meeting be held due to the increased cost.

Councilmember Clark stated the project will need additional funds and asked where the funding would come from to cover the project cost. City Manager Arneson replied the funding would come from the Lexington Athletic Complex project budget.

Councilmember Herbst commented the project should move forward.

Mayor Pro Tem Swanson commented a public hearing had already taken place and the project should move forward.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that this Resolution be Adopted. The Motion was adopted unanimously.

13. OTHER BUSINESS

Mayor Pro Tem Swanson announced North Metro Cable, Channel 15 won a local Emmy award.

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

9.5 [MO 13-121](#)

PRIVATE ON-SALE AND SUNDAY LIQUOR LICENSE FOR BLAZIN WINGS INC. DBA BUFFALO WILD WINGS, LOCATED AT 1540 109TH AVENUE NE, BLAINE, MINNESOTA

Sponsors: Cross

Attachments: [Public Hearing Notice](#)

City Clerk Cross stated the applicant has submitted a license application, license and background fees, and certificate of insurance for liquor liability. She stated the Police Department has completed a background investigation and found nothing to prohibit the Private On-Sale and Sunday Liquor License for Buffalo Wild Wings.

Mayor Pro Tem Swanson opened the Public Hearing at 8:01 p.m.

Mayor Pro Tem Swanson closed the Public Hearing at 8:01 p.m.

Moved by Councilmember Bourke, seconded by Councilmember Herbst, that this Motion be Approved. The Motion was adopted unanimously.

9.1 [ORD 13-2272](#)

**VACATION OF DRAINAGE AND UTILITY EASEMENT
FOR THE WESTERLY 5 FEET OF THE EASTERLY 10
FEET OF LOT 13, BLOCK 2, OAK PARK ESTATES
VACATION NO. V13-04**

FIRST READING

Sponsors: Keely

Attachments: [V13-04 Oak Park Estates Location Map.pdf](#)

City Engineer Keely stated the applicant is requesting a vacation of drainage and utility easement to construct a shed in the rear yard on an existing concrete slab. She stated second reading would be held at Council meeting on October 17, 2013.

Mayor Pro Tem Swanson opened the Public Hearing at 8:02 p.m.

Mayor Pro Tem Swanson closed the Public Hearing at 8:03 p.m.

Introduced, Read, and Placed on File for Second Reading

9.2 [RES 13-166](#)

**ADOPTING ASSESSMENT FOR
THE RECONSTRUCTION OF HAMLINE AVENUE FROM
EDGEWOOD ROAD TO PATRIOT LANE
IMPROVEMENT PROJECT NO. 10-13**

Sponsors: Assistant City Engineer Higgins and Keely

Attachments: [Hamline Ave Final Assmt Map.pdf](#)
[Final Assessment Roll.pdf](#)

City Engineer Keely stated under a Joint Powers Agreement with the City of Lexington, Hamline Avenue from Edgewood Road to Patriot Lane was reconstructed. She noted Blaine's share of the cost is 42% of the project.

Mayor Pro Tem Swanson opened the Public Hearing at 8:04 p.m.

Mayor Pro Tem Swanson closed the Public Hearing at 8:05 p.m.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that this Resolution be Adopted. The Motion was adopted unanimously.

9.3 [RES 13-167](#)

**ADOPTING ASSESSMENT FOR
93RD LANE INDUSTRIAL PARK AREA STREET
IMPROVEMENTS,
PHASE 1, IMPROVEMENT PROJECT NO. 11-16**

Sponsors: Assistant City Engineer Higgins and Keely

Attachments: [93 Lane Final Assessment Map.pdf](#)
[Final Assessment Roll.pdf](#)

City Engineer Keely stated the street improvements includes asphalt pavement replacement, gravel shouldering, storm drainage improvements, culvert replacements and cleaning, traffic control signage, and appurtenant construction. She stated the Assessment Roll has been prepared consistent with the Feasibility Report and the project will be funded by assessments and the Pavement Management Program. She stated one resident called the City with a concern that is being addressed with Phase 2 of the area improvement project.

Mayor Pro Tem Swanson opened the Public Hearing at 8:08 p.m.

Mayor Pro Tem Swanson closed the Public Hearing at 8:08 p.m.

Moved by Councilmember Bourke, seconded by Councilmember Herbst, that this Resolution be Adopted. The Motion was adopted unanimously.

9.4 [RES 13-168](#)

**ADOPTING ASSESSMENT FOR
RECONSTRUCTION OF OAK PARK BOULEVARD/119TH
AVENUE FROM 125TH AVENUE TO JEFFERSON STREET
IMPROVEMENT PROJECT NO. 11-12**

Sponsors: Assistant City Engineer Schluender and Keely

Attachments: [11-12 Assessment Map.pdf](#)
[11-12 Final Roll.pdf](#)

City Engineer Keely stated the project includes spot concrete curb and gutter replacement, spot concrete sidewalk replacement, storm sewer structures, asphalt surface, traffic control signage, striping, and appurtenant construction. She stated the Assessment Roll has been prepared consistent with the Feasibility Report. She noted that three park parcels were taken off the Assessment Roll. She stated the project will be funded by assessments, the Public Utility Fund, and Municipal State Aid.

Mayor Pro Tem Swanson opened the Public Hearing at 8:05 p.m.

Todd Haas, 609 119th Avenue, complimented the City on fixing the road and

stated he has no problem with the assessment.

Mayor Pro Tem Swanson closed the Public Hearing at 8:07 p.m.

Moved by Councilmember Kolb, seconded by Councilmember Herbst, that this Resolution be Adopted. The Motion was adopted unanimously.

9.6 [MO 13-122](#)

**PROVIDING HOST CITY AUTHORIZATION FOR THE
ISSUANCE OF REVENUE BONDS ON BEHALF OF
BETHESDA LUTHERAN COMMUNITIES, INC.**

Sponsors: Huss

Attachments: [Bethesda 13 Minnesota \(Blaine\) Memorandum to City Council](#)
[Blaine Host TEFRA Approval. BLC](#)
[Bethesda 13 Minnesota \(Blaine\) Certificate of Executive Director to City](#)
[Bethesda 13 Minnesota \(Blaine\) TEFRA Notice of Public Hearing](#)

City Manager Arneson stated the Wisconsin Health and Educational Facilities Authority is requesting Blaine provide host city approval for the issuance of revenue bonds on behalf of Bethesda Lutheran Communities, Inc. to finance a project for which a portion of the proceeds will be used for remodeling, renovation and equipping of a group home. Finance Director Huss stated the applicant needs host city approval and the bonds issued will not be obligations of the City.

Mayor Pro Tem Swanson opened the Public Hearing at 8:12 p.m.

Mayor Pro Tem Swanson closed the Public Hearing at 8:13 p.m.

Mayor Pro Tem Swanson asked if there is an annual limit. Finance Director Huss replied there is no annual limit.

Councilmember Herbst asked what will be done with the funds. Finance Director Huss stated the funds will be used to make improvements to the house and the applicant is seeking approval for the maximum amount.

Moved by Mayor Pro Tem Swanson, seconded by Councilmember Clark, that this Motion be Approved.

Councilmember Clark asked if the City will be liable for the bond. Finance Director Huss replied the City has no liability for this bond.

Councilmember Clark asked about the work being done on the property. Finance Director Huss stated IRS regulations requires the applicant to seek approval from the City

Moved by Councilmember Clark, seconded by Councilmember Bourke, to postpone consideration of Motion 13-122, "Providing Host City Authorization for the Issuance of Revenue Bonds on Behalf of Bethesda Lutheran Communities, Inc.," to a future Council meeting.

Action 13-307

Substitute motion by Councilmember Clark, seconded by Councilmember Bourke, to table consideration of Motion 13-122, "Providing Host City Authorization for the Issuance of Revenue Bonds on Behalf of Bethesda Lutheran Communities, Inc.," to a future Council meeting.

Substitute motion adopted unanimously.

Finance Director Huss stated he will seek clarification from Bethesda Lutheran Communities, Inc. if the Council needs to approve or if only a Public Hearing is needed.

14. ADJOURNMENT

Moved by Councilmember Bourke, seconded by Councilmember Herbst, to adjourn the meeting at 8:27 p.m.