



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

10801 Town Square Drive
Blaine MN 55449

Thursday, September 3, 2015

7:30 PM

Council Chambers

1. CALL TO ORDER BY THE MAYOR

The meeting was called to order at 7:30 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: 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.

Present: 7 - Tom Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

4. APPROVAL OF MINUTES

4.-1 [MIN 15-24](#) RECENTLY HELD MEETINGS

Moved by Councilmember Hovland, seconded by Councilmember Herbst, that the Workshop Meeting Minutes of August 6, 2015; the Regular Meeting Minutes of August 6, 2015; the Budget Retreat Minutes of August 13, 2015; the Workshop Meeting Minutes of August 20, 2015; and, the Regular Meeting Minutes of August 20, 2015, be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

5.-1 [PROC 15-04](#) PROCLAMATION FOR FIREFIGHTER JEFFREY HAYES

Mayor Ryan recognized Firefighter Jeffrey Hays on his retirement after 21 years of service to the Spring Lake Park-Blaine-Mounds View Fire Department.

6. COMMUNICATIONS

None.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:35 p.m.

There being no input, Mayor Ryan closed the Open Forum at 7:35 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 Bourke, that the following be approved:

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

10.-1 [MO 15-112](#) SCHEDULE OF BILLS PAID

Approved

10.-2 [RES 15-145](#) AUTHORIZING PURCHASE OF TAX FORFEITED PARCELS IN THE CITY OF BLAINE

Adopted

10.-3 [MO 15-113](#) APPROVE A TOBACCO AND TOBACCO PRODUCTS LICENSE FOR E-CIG ZONE, 1061 109TH AVENUE NE

Approved

- 10.-4 [RES 15-146](#) AUTHORIZE INSTALLATION OF REGULATORY SIGNS FOR PARKING RESTRICTIONS ON BOTH SIDES OF DUNKIRK STREET AND 122ND COURT EAST OF LAKES PARKWAY

Adopted**11. DEVELOPMENT BUSINESS**

- 11.-1 [RES 15-147](#) GRANTING A CONDITIONAL USE PERMIT TO OPERATE A MAJOR AUTOMOTIVE REPAIR SHOP (PASSENGER VEHICLE SERVICE) IN AN I-1 (LIGHT INDUSTRIAL) ZONING DISTRICT AT 3061 103RD LANE NE, SUITE 200. SM SPEED LLC. (CASE FILE NO. 15-0052/EOW)

Planning and Community Development Director Schafer stated the applicant is applying for a conditional use permit to open a major automotive repair shop.

Moved by Councilmember Swanson, seconded by Councilmember Bourke that Resolution 15-147, "Granting a Conditional Use Permit to Operate a Major Automotive Repair Shop (Passenger Vehicle Service) in an I-1 (Light Industrial) Zoning District at 3061 103rd Lane NE, Suite 200. SM Speed LLC," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

- 11.-2 [RES 15-148](#) GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A 105,000 SQUARE FOOT AT HOME STORE TO BE LOCATED IN A DF (DEVELOPMENT FLEX) ZONING DISTRICT AT 4405 PHEASANT RIDGE DRIVE NE. AT HOME STORES LLC. (CASE FILE NO. 15-0049/LSJ)

Planning and Community Development Director Schafer stated the applicant proposes to occupy the Walmart site once Walmart moves to the new location. He stated At Home is a specialty big box concept store that provides home décor. He stated the applicant proposes to occupy most of the store and plans to move the main door to the west.

Scott Stone, Callaway Architecture representing At Home, stated construction will start this year and the store will open the summer of 2016. He stated the store will sell home furnishings.

Moved by Councilmember Herbst, seconded by Councilmember Hovland that Resolution 15-148, "Granting a Conditional Use Permit to Allow for a 105,000 Square Foot At Home Store to be Located in a DF (Development Flex) Zoning District at 4405 Pheasant Ridge Drive NE. At Home Stores LLC," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

11.-3 [RES 15-149](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A CHRISTIAN OUTDOOR MUSIC CONCERT ON JUNE 3 AND JUNE 4, 2016 AT THE NATIONAL SPORTS CENTER STADIUM AREA. UNIVERSITY OF NORTHWESTERN/KTIS RADIO. 1700 105TH AVENUE NE. (CASE FILE NO. 15-055/BKS)

Planning and Community Development Director Schafer stated this will be the applicant's eighth year hosting this event at the Sports Center. He noted the event this year had traffic issues at the end of the evening and staff will work with the applicant to address those concerns.

Councilmember Swanson stated he will vote against this resolution. He noted the National Sports Center profits from events such as this but is currently not contributing to road improvements.

Mayor Ryan stated the concert is a good event.

Councilmember Bourke stated this concert is not the issue. He stated the Council has to look into private use of a public facility.

Councilmember Clark agreed the Sports Center does not contribute to the maintenance for the roads but that the concert is a good event and separate from this issue so he will be voting for the concert.

Councilmember Herbst commented the situation with the Sports Center goes on without resolution.

Councilmember Swanson commented he has no problem with the concert.

Councilmember Hovland stated the issue with the Sports Center is a separate issue and needs to be discussed at another date. He stated he will support the concert.

Moved by Councilmember Clark, seconded by Councilmember Bourke that Resolution 15-149, "Granting a Conditional Use Permit to Allow for a Christian Outdoor Music Concert on June 3 and June 4, 2016 at the National Sports Center Stadium Area. University of Northwestern/KTIS Radio. 1700 105th Avenue NE," be approved.

Aye: 5 - Mayor Ryan, Councilmember Bourke, Councilmember Clark, Councilmember King and Councilmember Hovland

Nay: 2 - Councilmember Swanson and Councilmember Herbst

11.-4 [ORD 15-2322](#)

SECOND READING

GRANTING A CODE AMENDMENT TO CHAPTER 31 TO ESTABLISH THE PBD-A (PLANNED BUSINESS DISTRICT-AIRPORT) ZONING DISTRICT. CITY OF BLAINE. (CASE FILE NO. 15-0053/BKS)

Planning and Community Development Director Schafer stated MAC is preparing to market excess land at two locations for non-aviation commercial development. He stated the area on 105th Avenue is three acres and the area on 85th Avenue/County Road J is 21 acres with 9 acres that is usable. He stated the 105th Avenue site will have access from 105th Avenue.

Councilmember Bourke stated he is concerned about the proposed uses at the two sites with two variations. He stated he would like to see only the proposed uses 1-12 for both sites but eliminate the proposed additional uses for retail sale of goods and services for the north site until a proposal is brought forward and amended at that time.

Mayor Ryan commented there are two soccer fields that the City leases from MAC. City Manager Arneson replied the City has a lease that expires at the end of 2015.

Councilmember Swanson stated he has concerns about the County Road J site. He stated he would like this site to have moderate-income housing. He noted the adjoining neighborhood is moderate housing.

Planning and Community Development Director Schafer stated the Council can change the zoning and land use when a proposal is brought forth, adding Council can require housing density but not income levels.

Councilmember Bourke requested an amendment to include the proposed uses 1-12 and delete uses 13-20.

Councilmember Swanson requested MAC propose a housing plan and a medium-density use plan.

Declared by Mayor Ryan that Ordinance 15-2322, "Granting a Code Amendment to Chapter 31 to Establish the PBD-A (Planned Business District-Airport) Zoning District. City of Blaine as amended" be introduced as amended and placed on file for second reading at the September 17, 2015, Council meeting.

11.-5 [ORD 15-2323](#)

SECOND READING

GRANTING A REZONING FROM A (AIRPORT) TO PBD-A (PLANNED BUSINESS DISTRICT-AIRPORT) AT 2030 105TH AVENUE NE. METROPOLITAN AIRPORTS COMMISSION. (CASE FILE NO. 15-0045/BKS)

Councilmember King suggested postponing Ordinance 15-2323 until a project is brought forth.

City Attorney Sweeney requested the timing of application. City Manager Arneson replied the City has 120 days to act. Planning and Community Development Director Schafer replied the deadline is September 17, 2015 but could be extended to November 17, 2015.

Declared by Mayor Ryan that Ordinance 15-2323, "Granting a Rezoning from A (Airport) to PBD-A (Planned Business District-Airport) at 2030 105th Avenue NE. Metropolitan Airports Commission" be introduced and placed on file for second reading at the September 17, 2015, Council meeting.

11.-6 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)

Councilmember Swanson requested to deny first reading and send this back to the Planning Commission to include medium-density housing on the site.

Planning and Community Development Director Shafer stated the ordinance would go back to the Planning Commission to request MAC develop a residential concept.

Councilmember Clark stated MAC is requesting a rezoning, but the Council is not obligated to accept the rezoning application. City Attorney Sweeney replied correct and the Council will need to state factual reasons on the record for the decision.

Planning and Community Development Director Schafer stated the 85th Avenue site was zoned light industrial for 15 years. He stated currently the land use and zoning map shows the property as airport as required by MAC and Met Council. He stated on the land use map there is a note that states this is a property that the land use in the future can change from non-aviation use.

Mayor Ryan commented the properties are currently tax exempt.

Councilmember Clark commented the property's land use is light industrial and asked if there is anything in the Comprehensive Plan to prevent the City from changing the property to residential. City Attorney Sweeney replied the Council has the authority to zone the property.

Councilmember Bourke suggested postponing until November 17, 2015.

Moved by Councilmember Swanson, second by Councilmember King to deny first reading and return Ordinance 15-2324 to the Planning Commission to include medium-density housing on the County Road J/85th Avenue site.

Councilmember Bourke - Yes

Councilmember Clark - No
Councilmember Herbst - Yes
Councilmember Hovland - No
Councilmember King - Yes
Councilmember Swanson - Yes
Councilmember Mayor Ryan - No

Motion to deny first reading adopted 4-3

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

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

Councilmember Clark asked if the first reading is denied, will the Council's hands be tied for a period of time or prevent rezoning. City Attorney Sweeney replied the motion is to not do a first reading.

Alan Dime, MAC Project Manager, stated MAC is not interested in more housing near the airport due to noise complaints. He stated MAC believes housing would be a bad use and that MAC wants to clear up the zoning issue only.

Councilmember Clark commented the airport is already there and people know where the airport is located.

Councilmember Swanson commented the neighborhood desires residential in that area.

Mr. Dime stated the Planning Commission is opposed to removing the existing trees and any residential use may require the need to remove existing trees.

Rosemary Bonnett, 1873 86th Lane NE, stated her property has 400 feet adjacent to the property. She stated she does not like the 15-foot setback for the parking lot or the 20-foot setback for the building. She noted that the building height could be eight stories. She is concerned that the trees are not protected.

12. ADMINISTRATION

12.-1 [MO 15-114](#)

ACCEPTING THE PROPOSAL FOR REPLACEMENT PLAYGROUND EQUIPMENT IN THE AMOUNT NOT TO EXCEED \$17,399.27 FROM MINNESOTA/WISCONSIN PLAYGROUND FOR BROKEN OAKS PARK

Public Services Manager Bob Therres stated the existing playground equipment was damaged due to vandalism. He stated the playground equipment was scheduled to be fully replaced in 2018. He stated staff found a great deal and with the insurance money recommend replacing the playground

equipment now.

Moved by Mayor Ryan, seconded by Councilmember King that Motion 15-114, "Accepting the Proposal for Replacement Playground Equipment in the Amount not to Exceed \$17,399.27 from Minnesota/Wisconsin Playground for Broken Oaks Park," be approved.

Motion adopted 6-0-1 (Councilmember Herbst absent).

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

Abstain: 1 - Councilmember Herbst

12.-2 [MO 15-115](#)

APPROVE CHANGE ORDER NO. 1 IN THE AMOUNT OF \$46,043.37 FOR THE WEST CENTRAL AVENUE SERVICE ROAD NORTH OF 85TH AVENUE, IMPROVEMENT PROJECT NO. 13-26

City Engineer Keely stated during construction, large masses of buried concrete and unsuitable soil were discovered which required removal at an additional cost.

Moved by Councilmember Swanson, seconded by Councilmember Hovland, that Motion 15-115, "Approval Change Order No. 1 in the Amount of \$46,043.37 for the West Central Avenue Service Road North of 85th Avenue," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

12.-3 [RES 15-150](#)

DECLARE COST TO BE ASSESSED, ORDER PREPARATION AND CALL FOR HEARING ON PROPOSED ASSESSMENT FOR 93RD LANE INDUSTRIAL PARK AREA STREET IMPROVEMENTS, PHASE 3, IMPROVEMENT PROJECT NO. 13-24

City Engineer Keely stated the work was done last year.

Moved by Councilmember Swanson, seconded by Councilmember Herbst, that Resolution 15-150, "Declare Cost to be Assessed, Order Preparation and Call for Hearing on Proposed Assessment for 93rd Lane Industrial Park Area Street Improvements, Phase 3," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

12.-4 [RES 15-151](#)

DECLARE COST TO BE ASSESSED, ORDER PREPARATION AND CALL FOR HEARING ON PROPOSED ASSESSMENT FOR THE PAVEMENT MANAGEMENT PROGRAM - 2015 BITUMINOUS OVERLAY, IMPROVEMENT PROJECT NO. 15-01

City Engineer Keely stated the contractor will do the work next week and will be done before the public hearing on October 1, 2015. She noted that the rate

is already set. She stated the contractor has to finish overlays and two reconstructs. She noted that the contractor is behind and liquidated damages are \$1,000 per day.

Councilmember Herb asked if the City currently owes the contractor money. City Engineer Keely replied the contractor started the 93rd area project that the City owes the contractor. She stated the contractor has not started the overlay projects, so no money is owed. She noted that the contractor had bid jobs in previous years, but they were not the lowest bidder until this year. She stated the City could pull the contractor's bond.

Councilmember Herbst stated it would not be fair to assess the residents if the work is not complete. City Engineer Keely stated the public hearing could be postponed or send a letter to residents that the public hearing will not be held this year.

Moved by Councilmember Hovland, seconded by Mayor Ryan, that Resolution 15-151, "Declare Cost to be Assessed, Order Preparation and Call for Hearing on Proposed Assessment for the Pavement Management Program – 2015 Bituminous Overlay," be approved.

Motion adopted 6-0-1 (Councilmember Swanson abstained).

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

Abstain: 1 - Councilmember Swanson

12.-5 [RES 15-152](#)

ADJUSTING CERTAIN TAX LEVIES FOR BONDED INDEBTEDNESS FOR FISCAL YEAR 2016

Finance Director Huss stated the resolution is to adjust tax levies certified for bonded indebtedness. He stated the resolution includes adjustments to scheduled levies for the City's G.O. Open Space Refunding Bonds of 2010A, G.O. Special Assessment Improvement Bonds, G.O. Capital Improvement Bonds, and the City's Capital Equipment Certificates of Indebtedness.

Moved by Mayor Ryan, seconded by Councilmember Swanson, that Resolution 15-152, "Adjusting Certain Tax Levies for Bonded Indebtedness for Fiscal Year 2016," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

12.-6 [RES 15-153](#)

CERTIFY PROPOSED GENERAL FUND BUDGET AND TAX LEVY FOR FISCAL YEAR 2016

Mayor Ryan stated he is in favor of a one percent levy increase.

Councilmember Swanson stated he is in favor of a one-half percent levy increase.

Councilmember King stated he is not in favor of a one percent levy increase.

Councilmember Bourke stated he is not in favor of a one percent levy increase.

Councilmember Herbst stated he is not in favor of a one percent levy increase.

Councilmember Hovland stated he is not in favor of a one percent levy increase.

Finance Director Huss stated the proposed budget and levy includes one officer position and one records technician position.

Moved by Mayor Ryan, seconded by Councilmember Herbst, that Resolution 15-153, "Certify Proposed General Fund Budget and Tax Levy for Fiscal Year 2016 with a one percent increase," be approved.

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

Motion failed 5-2

Aye: 2 - Mayor Ryan and Councilmember Swanson

Nay: 5 - Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

Finance Director Huss stated a one-half percent increase will leave a deficit of \$45,510.00.

Councilmember Swanson stated he is in favor of a one-half percent levy increase.

Mayor Ryan commented he received a call from the Blaine Public Safety Association requesting the Council move forward with getting a police dog in 2015. He noted the Association has \$14,000 for the dog and training but will give the Police Department the money if an officer is not hired and will then disband.

Councilmember King stated he is in favor a one-half percent levy increase.

Councilmember Hovland stated there are positions that need to be filled, but hiring them all in one year is not practical. He stated an officer to serve the southwest portion of the City is needed. He questioned the number of K-9 units are needed in the City.

Councilmember Bourke stated the Association should not dictate to the Council. He asked about officer staffing. Police Chief/Safety Services Manager Olson replied the police department is down by two officers due to retirements and separations. He stated it takes 12-16 weeks to hire new officers. He noted the police department is currently staffed at a minimum and he expects to be fully staffed by the end of the year.

Councilmember Herbst stated he is in favor of a one-half percent levy increase.

Moved by Councilmember Swanson, seconded by Councilmember Hovland, that revised Resolution 15-153, "Certify Proposed General Fund Budget and Tax Levy for Fiscal Year 2016 with a one-half percent increase," be approved.

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

Motion adopted 5-2

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

Nay: 2 - Councilmember Bourke and Councilmember Clark

12.7 [RES 15-154](#)

ESTABLISHING 2015 PUBLIC HEARING DATES FOR THE PROPOSED 2016 GENERAL FUND BUDGET AND TAX LEVY

Finance Director Huss stated Minnesota statutes requires cities to establish future public hearings on the proposed budget and tax levy by September 30, and hold public hearings at a regularly scheduled Council meeting. He stated the public hearing for the proposed 2016 General Fund Budget and Tax Levy will be held on December 10, 2015 and a second public hearing for the adoption of the 2016 Tax Levy and General Fund Budget on December 17, 2015.

Moved by Councilmember Herbst, seconded by Mayor Ryan, that Resolution 15-154, "Establishing 2015 Public Hearing Dates for the Proposed 2016 General Fund Budget and Tax Levy," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

13. OTHER BUSINESS

None

14. ADJOURNMENT

Moved by Councilmember Herbst, seconded by Councilmember Bourke, to adjourn the meeting at 9:20 p.m.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland