



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

10801 Town Square Dr.
Blaine MN 55449

Thursday, March 7, 2013

7:30 PM

Council Chambers

Meeting Number 13-13

1. CALL TO ORDER BY THE MAYOR

The meeting was called to order at 7:36 p.m. by Mayor Ryan followed by the Pledge of Allegiance and the Roll Call.

Quorum present.

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

4. APPROVAL OF MINUTES

4.-1 [MIN 13-06](#)

WORKSHOP MEETING - 02/21/2013
REGULAR MEETING - 02/21/2013
COUNCIL RETREAT - 2/14/2013

Sponsors: Cross

Attachments: [Workshop Meeting - 02/21/2013](#)
[Council Meeting - 02/21/2013](#)
[Council Retreat - 02/14/2013](#)

Moved by Councilmember Hovland, seconded by Councilmember Herbst, that the Minutes be Approved. The Motion was adopted unanimously.

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

6. COMMUNICATIONS

Mayor Ryan stated the City will host an open house on March 30, 2013, for organizations located in the City of Blaine that are seeking volunteers for projects.

Mayor Ryan stated a groundbreaking was held for Edgewood Senior Living last week.

Mayor Ryan stated he will be at City Hall on Tuesdays from 2:30-5:00 p.m. and invited residents to stop in to see him.

Councilmember Kolb reminded residents that garbage pickup is running one day late due to the snowstorm on Tuesday.

Councilmember Clark congratulated the Centennial Boys Hockey Team on going to the state tournament. He noted the team will be playing against Wayzata High School.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:41 p.m.

Councilmember Clark left the 7:41 p.m. and returned at 7:42 p.m.

Harold Hollander, representing Blaine Citizens 4 Smart Growth, stated the group is opposed to the proposed Super Walmart Store on Ball Road. He stated the group is requesting the City require a Comprehensive Fiscal Impact Study to be completed by an independent qualified consultant chosen by the City and funded by means other than public dollars and the study include:

- Effects on local businesses already operating in the Village Shopping Center
- Net gain or loss of jobs.
- Impact on local wages.
- Impact to residential property values.
- New costs to Blaine or Anoka County to provide public services.

Councilmember Clark stated the Council received Mr. Hollander's email and he wanted the Council to discuss it at a retreat next week. He noted an Environmental Assessment Worksheet was initiated last week. He asked if a

Comprehensive Fiscal Impact Study is standard for the City. City Manager Arneson replied Environmental document does not include the financial information the citizens are requesting. He stated the City does not have a legal mechanism to require a developer to present this type of information.

Mayor Ryan stated the taxpayers would have to pay for the Environmental Study, which costs approximately \$50,000. He noted currently there is no application from Walmart.

Councilmember Clark asked for the differences between an Environmental Impact Statement and an Environmental Assessment Worksheet. City Manager Arneson stated Environmental Impact Statement is a larger document but it does not cover financial information and it is very costly to do.

Councilmember Clark asked for legal precedence. City Attorney Sweeney replied there is no authority to require an environmental impact statement.

Councilmember Kolb stated this is not a project at this time.

Councilmember Swanson asked if the Village and Fleet Farm would provide financial information.

Mr. Hollander stated he understands the project is not large enough to require an environmental impact statement. He stated the residents on Ball Road believe this project does not belong at this location.

There being no additional input, Mayor Ryan closed the Open Forum at 7:52 p.m.

8. ADOPTION OF AGENDA

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

Moved to follow agenda item 11.2B.

10. APPROVAL OF CONSENT AGENDA:

Moved by Councilmember Swanson, seconded by Councilmember Herbst, that this be Adopt the Consent Agenda. The Motion was adopted unanimously.

10.-1 [MO 13-031](#)

SCHEDULE OF BILLS PAID

Sponsors: Huss

Attachments: [02/15/13 Bills Paid](#)
[02/22/13 Bills Paid](#)

Approved unanimously by Consent Vote.

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

10.-2 [RES 13-024](#)

**RECEIVE PETITION AND ORDER PUBLIC HEARING
VACATION OF DRAINAGE AND UTILITY EASEMENTS
OUTLOT A, CHAIN OF THE LAKES ADDITION
VACATION NO. V13-03**

Sponsors: Keely

Attachments: [V13-03 Petition Lakes of Radisson 53rd Addn.pdf](#)
[V13-03 Location Map.pdf](#)

Adopted unanimously by Consent Vote.

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

11. DEVELOPMENT BUSINESS

11.-1 [RES 13-025](#)

**GRANTING FINAL PLAT APPROVAL TO SUBDIVIDE 2.86
ACRES INTO FOUR SINGLE FAMILY LOTS TO BE
KNOWN AS WILLOWBROOK 5th ADDITION AT 4787
121ST AVENUE NE. CENTRA HOMES (CASE FILE NO.
13-0016/SLK)**

Sponsors: Schafer

Attachments: [Attachments.pdf](#)

Planning and Community Development Director Shafer stated the Willowbrook 5th Addition final plat proposal consists of subdividing approximately 2.86 acres into a subdivision with a total of 4 lots for single family residential units to be constructed by Centra Homes. He stated the applicant reduced the number of lots due to costs and grading of the development. He stated one comment was received stating the land was not supposed to be developed and that is the reason the lot was purchased.

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

The Following 2 Items are Related**11.2A [RES 13-026](#)**

**GRANTING PRELIMINARY PLAT APPROVAL TO
SUBDIVIDE 30.08 ACRES INTO 74 SINGLE FAMILY LOTS
AND TWO OUTLOTS TO BE KNOWN AS HARPERS
STREET WOODS 2nd ADDITION AT HARPERS
STREET/NORTH OF 128th LANE NE. CAPSTONE HOMES.
(CASE FILE NO. 13-0002/SLK)**

Sponsors: Schafer

Attachments: [Attachments.pdf](#)
[Public Comment.pdf](#)

Planning and Community Development Director Schafer stated the applicant Capstone Homes has submitted a preliminary plat proposal that consists of subdividing approximately 30 acres into a subdivision with 74 single-family homes. He noted the existing DF (Development Flex) zoning is proposed to establish the minimum standards and the flexibility forms the basis of the Harpers Street Development Guide Plan. He noted the plan is for the developer to deed 1.5-2.0 acres of parkland to the City.

Councilmember Kolb asked for the Planning Commission discussion comments. Planning and Community Development Director Schafer replied the discussion was on Harpers Street from the south.

Councilmember Kolb stated she received an email with concerns about traffic congestion. Mayor Ryan stated comments were received about access to Harpers Street and widening the street.

Councilmember Kolb asked if there are major changes that have been made from the original plat. Planning and Community Development Director Schafer stated the area of Outlot A is bigger for the pond, the street pattern is different and the park was added to the original plat.

Councilmember Herbst stated the biggest problem is traffic on Harpers Street and the need to improve the street and signalization.

Councilmember Clark asked for the market rates of the homes and the building phases. Planning and Community Development Director Schafer replied the market rates are between \$250,000-\$300,000 plus range.

Ben Minks, 17024 Barium Street NW, Andover, stated building phases include the southwest 17 lots on 129th Avenue (west side of Harpers) this spring and if the summer goes well 129th Lane will be built in the fall.

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

11.2B [RES 13-027](#)

**GRANTING A CONDITIONAL USE PERMIT TO ALLOW
FOR CONSTRUCTION OF 74 SINGLE FAMILY HOMES IN
A DF (DEVELOPMENT FLEX) ZONING DISTRICT AT
HARPERS STREET/NORTH OF 128th LANE NE.
CAPSTONE HOMES. (CASE FILE NO. 13-0002/SLK)**

Sponsors: Schafer

Attachments: [Attachments.pdf](#)
[Public Comment.pdf](#)

Planning and Community Development Director Shafer stated the preliminary plat proposal consists of subdividing approximately 30 acres into a subdivision with 74 single-family homes. He noted the existing DF (Development Flex) zoning is proposed to establish the minimum standards and the flexibility forms the basis of the Harpers Street Development Guide Plan.

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

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

The Following Ordinances are Scheduled for First Reading

9.1 [ORD 13-2260](#)

**VACATION OF DRAINAGE AND UTILITY EASEMENTS
LOT 1, BLOCK 6, GARDENWOOD
VACATION NO. V13-01**

FIRST READING

Sponsors: City Council

Attachments: [V13-01 Gardenwood Location Map.pdf](#)

Mayor Ryan opened the public hearing at 8:08 p.m.

City Engineer Keely stated the vacation of drainage and utility easements is being requested as it no longer conforms to the revised preliminary plat and the lot will be replatted. She noted the applicant is a single property owner who represents 100% of the affected property abutting this easement.

There being no public input, Mayor Ryan closed the public hearing at 8:10

p.m.

Declared by Mayor Ryan that Ordinance 13-2260, "Vacation of Drainage and Utility Easements Lot 1, Block 6, Gardenwood, Vacation No. V13-01" be introduced and placed on file for second reading at the March 21, 2013, Council meeting.

9.2 [ORD 13-2261](#)

**VACATION OF DRAINAGE AND UTILITY EASEMENTS
LOTS 7 & 8, BLOCK 2, THE SANCTUARY EIGHTH
ADDITION
VACATION NO. V13-02**

FIRST READING

Sponsors: City Council

Attachments: [V13-02 Sanctuary location map.pdf](#)

Mayor Ryan opened the public hearing at 8:11 p.m.

City Engineer Keely stated the vacation of drainage and utility easements is being requested in order to build a new home across both lots. The applicant is a single property owner who represents 100% of the affected property abutting this easement.

There being no further public input, Mayor Ryan closed the public hearing at 8:12 p.m.

Declared by Mayor Ryan that Ordinance 13-2261, "Vacation of Drainage and Utility Easements Lots 7 & 8, Block 2, The Sanctuary Eighth Addition, Vacation No. V13-02" be introduced and placed on file for second reading at the March 21, 2013, Council meeting.

11.3 [RES 13-028](#)

**GRANTING PRELIMINARY PLAT APPROVAL TO
SUBDIVIDE 40.21 ACRES INTO ONE SINGLE FAMILY
LOT FOR THE EXISTING HOME AND SIX OUTLOTS
FOR FUTURE DEVELOPMENT TO BE KNOWN AS
HARPERS WEST AT 13050 DUNKIRK STREET NE.
HARPERS WEST, LLC. (CASE FILE NO. 13-0004/SLK)**

Sponsors: Schafer

Attachments: [Attachments.pdf](#)

Planning and Community Development Director Shafer stated the applicant is interested in purchasing areas of a 40.21-acre parcel located at 13050 Dunkirk Street in northern Blaine. He noted the area is part of the Northeast Planning Area and is located inside the Metropolitan Urban Service Area (MUSA). He

stated the applicant is proposing to subdivide the parcel to create six new outlots of 18.9 acres for future urban development. He stated the existing house would remain on Lot 1, which will be larger at 20.21 acres. He noted a right-of-way for 129th Lane will be platted for future access to the existing home and future development. The existing home does not have public street access but would once 129th Lane is platted.

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

The Following 2 Items are Related

11.4A [RES 13-029](#)

**GRANTING PRELIMINARY PLAT APPROVAL TO
SUBDIVIDE 9.94 ACRES INTO 35 SINGLE FAMILY LOTS
AND TWO OUTLOTS TO BE KNOWN AS THE LAKES OF
RADISSON FIFTY-FOURTH ADDITION AT LAKES
PARKWAY/MARINA CIRCLE. HANS HAGEN HOMES.
(CASE FILE NO. 13-0001/SLK)**

Sponsors: Schafer

Attachments: [Attachments.pdf](#)

Planning and Community Development Director Shafer stated Hans Hagen Homes' plan for the Lakes of Radisson 54th Addition consists of subdividing approximately 9.94 acres into a subdivision with 35 dwelling units. The preliminary plat also includes two outlots for drainage and ponding. He stated the land is subject to legal action per a development agreement issue and there may be an issue with building permits in the future.

Councilmember Swanson asked if the Council approves this plat would it be an implied consent to future building permits.

City Attorney Sweeney replied no. He stated condition 20 of the preliminary plat approval references the provisions of the development agreement and the City has the authority to withhold issuance of building permits until default has been cured by Mainstreet 1000.

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

11.4B [RES 13-030](#)

**GRANTING A CONDITIONAL USE PERMIT TO ALLOW
FOR CONSTRUCTION OF 35 SINGLE FAMILY HOMES IN
A DF (DEVELOPMENT FLEX) ZONING DISTRICT FOR
THE LAKES OF RADISSON 54th ADDITION AT LAKES**

**PARKWAY/MARINA CIRCLE. HANS HAGEN HOMES.
(CASE FILE NO. 13-0001/SLK)**

Sponsors: Schafer

Attachments: [Attachments.pdf](#)

Planning and Community Development Director Shafer stated the Lakes of Radisson 54th Addition consists of subdividing approximately 9.94 acres into a subdivision with 35 dwelling units. The preliminary plat also includes two outlots for drainage and ponding.

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

11.5 [ORD 13-2262](#)

**GRANTING A REZONING FROM PBD (PLANNED
BUSINESS DISTRICT) TO DF (DEVELOPMENT FLEX) AT
95th AVENUE/HAMLIN AVENUE NE. NORTHEAST
METROPOLITAN SCHOOL DISTRICT #916. (CASE FILE
NO. 13-0006/SLK)**

Sponsors: Schafer

Attachments: [Attachments](#)

Planning and Community Development Director Shafer stated the Northeast Metro 916 Intermediate School District is proposing to construct a new K-8 facility for children with ASD (Autism Spectrum Disorders) and EBD (Emotional and Behavioral Disorders). He stated the applicant's proposal is to purchase 19 acres on the south side of 95th Avenue.

Kristine Carr, 2540 Co. Road F East, White Bear Lake, stated the school is a K-8 school serving children with Autism Spectrum Disorders and Emotional and Behavioral Disorders. She stated the building will open in the fall 2014 starting with 100 students and grow to 150 students. She stated this site is perfect with the school's nature based play space outdoors. She noted that Kraus Anderson is the construction manager and BWBR is the architect. It was noted that the design development will be completed within the next two months.

Declared by Mayor Ryan that Ordinance 13-2262, "Granting a Rezoning from PBD (Planned Business District) to DF (Development Flex) at 95th Avenue/Hamline Avenue NE. Northeast Metropolitan School District #916" be introduced and placed on file for second reading at the March 21, 2013, Council meeting.

The Following 2 Items are Related

11.6A [RES 13-032](#)

**GRANTING A COMPREHENSIVE LAND USE
AMENDMENT FROM PI/PC (PLANNED
INDUSTRIAL/PLANNED COMMERCIAL) TO PI/PC/HDR
(PLANNED INDUSTRIAL/PLANNED COMMERCIAL AND
HIGH DENSITY RESIDENTIAL) AT ULYSSES
STREET/NORTH OF CLOVERLEAF PKWY. BALDWIN
PARTNERS. (CASE FILE NO. 12-0044/LSJ)**

Sponsors: Schafer

Attachments: [Attachments.pdf](#)
[Feb PC Minutes.doc](#)

Planning and Community Development Director Schafer stated the applicant, Baldwin Partners, proposed the two lots be converted to a high density residential use in order to accommodate the construction of an apartment complex. The property owner would like to move forward with a comprehensive plan amendment and a conditional use permit application that would allow consideration of the high-density use and shared parking. He stated Lots 2 and 3, Cloverleaf Commons 2nd Addition are currently zoned PBD (Planned Business District) and has a land use designation of PI/PC (Planned Industrial/Planned Commercial). He stated the property owner is requesting approval of a comprehensive plan amendment and a conditional use permit for a 182-unit market rate apartment complex.

Councilmember Swanson asked if the new development will use the existing Teamsters parking. Planning and Community Development Director Schafer replied no. He stated up to 50 parking stalls can be used by the Teamsters for their one night per month meetings.

Councilmember Herbst asked about the Teamsters parking for their large meetings 12 times per year. Planning and Community Development Director Schafer replied over flow parking has been on the vacant lot and at Northern Tool.

Councilmember Kolb asked for the density of the apartment complex. Planning and Community Development Director Schafer replied density for the 108 units is expected to be 400 people.

Councilmember Bourke questioned the cross easements for the parking agreement. Planning and Community Development Director Schafer replied the shared parking agreement is for the 50 stalls with the developer.

Councilmember Clark questioned who the Teamsters bought the property from. Community Development Director Schafer replied from the developer. Councilmember Clark asked if it

was the developer who agreed to the 50 parking stalls easement. Community Development Director Schafer responded that is correct. Councilmember Clark clarified that this requirement is a private agreement between buyer and seller.

Paul Tucci, Oppidan, 5125 County Road 101, Minnetonka, stated the Teamsters have three easements (parking, driveway and utilities). He stated he met with the Teamsters tonight and came to an agreement on the parking easement. He noted the apartment complex will have one underground parking for every unit except studio units.

Councilmember Bourke asked if payment has been made to the Teamsters for extra parking. Mr. Tucci replied no. He noted the Teamsters have the right to 50 parking installs.

Katrina Joseph, 9422 Ulysses Street NE, Teamsters legal representative, stated there was a meeting with the developer today. She stated the Teamsters had concerns about sharing parking and liability.

Councilmember Clark asked the City Attorney when there is an agreement between two private parties relative to parking, is there any reason for us to delay action or change our action based on that agreement or do we just put that agreement aside and go ahead and make our land use decision based on our standard process.

City Attorney Sweeney responded that the agreement is a private agreement between the previous owner and the Teamsters and the City is not a party to that and the city's responsibility is to process the matter before the council tonight in accordance with zoning and comprehensive plan review that is required by ordinance.

Councilmember Clark asked if the applicant has adequate parking for the development. Planning and Community Development Director Schafer replied yes and there are an additional 52 parking spaces that meet requirements. He noted 36 parking stalls shown on the developer's plan may be built in the future depending on parking needs.

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

11.6B [RES 13-033](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR CONSTRUCTION OF A 182-UNIT MARKET RATE APARTMENT COMPLEX IN A PBD (PLANNED BUSINESS DISTRICT) ZONING DISTRICT AND SHARED ACCESS AT

**ULYSSES STREET/NORTH OF CLOVERLEAF PKWY.
BALDWIN PARTNERS. (CASE FILE NO. 12-0044/LSJ)**

Sponsors: Schafer

Attachments: [Attachments.pdf](#)
[Feb PC Minutes.doc](#)

Planning and Community Development Director Shafer stated Planning and Community Development Director Shafer stated the applicant, Baldwin Partners, proposed the two lots be converted to a high density residential use in order to accommodate the construction of an apartment complex. The property owner would like to move forward with a comprehensive plan amendment and a conditional use permit application that would allow consideration of the high-density use and shared parking. He stated Lots 2 and 3, Cloverleaf Commons 2nd Addition are currently zoned PBD (Planned Business District) and has a land use designation of PI/PC (Planned Industrial/Planned Commercial). He stated the property owner is requesting approval of a comprehensive plan amendment and a conditional use permit for a 182-unit market rate apartment complex.

Councilmember Clark stated the Teamsters and the landowner have a private agreement and need to continue working together.

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

12. ADMINISTRATION

12.-1 [RES 13-034](#)

**ACCEPT BID FROM PETERSON COMPANIES, INC. IN
THE AMOUNT OF \$121,505.42 FOR LEGACY CREEK
PARK (IMPROVEMENT PROJECT NO. 12-16)**

Sponsors: Monahan

Parks & Recreation Program Supervisor Monahan stated nine bids were received for the Legacy Creek Park improvements. He stated it has been determined that Peterson Companies, Inc. is the lowest bidder. He recommends the low bid be accepted and a contract entered into with Peterson Companies, Inc. He stated the Council is also asked to approve a 5% contingency to bring the total project budget to \$127,580.00. He stated the funding source for the project is Parks, and there are sufficient funds to cover the costs.

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

13. OTHER BUSINESS

None.

14. ADJOURNMENT

Moved by Councilmember Clark, seconded by Councilmember Herbst, to adjourn the meeting at 9:10 p.m.