



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

10801 Town Square Drive
Blaine MN 55449

Thursday, August 6, 2015

7:30 PM

Council Chambers

1. CALL TO ORDER BY THE MAYOR

The meeting was called to order at 7:32 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 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; and City Clerk Catherine Sorensen.

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

4. APPROVAL OF MINUTES

4.-1 [MIN 15-22](#) RECENTLY HELD MEETINGS

Moved by Councilmember Bourke, seconded by Councilmember King, that the Workshop Meeting Minutes of July 9, 2015; the Regular Meeting Minutes of July 9, 2015; and the Workshop Meeting Minutes of July 16, 2015, be approved.

Motion adopted 5-0-2.

Councilmember Hovland abstained from the Workshop Meeting Minutes of July 17, 2015 due to his absence.

Councilmember Clark abstained from the Workshop Meeting Minutes of July 17, 2015 due to his absence.

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

Abstain: 2 - Councilmember Clark and Councilmember Hovland

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

6. COMMUNICATIONS

Mayor Ryan thanked staff and volunteers for their work on the many events held in the City.

Councilmember Herbst stated he attended eight Night to Unite events and noted the residents he met with are happy to live in Blaine. He thanked all the staff involved in this successful event.

Councilmember Clark stated the Four Seasons Curling Center was awarded the US Olympic training site designation and there will be a celebration on August 15, 2015 at Fogerty Arena.

Mayor Ryan stated the City met with Anoka County about the number one complaint in the City, which is Highway 65 at 109th Avenue. Councilmember Clark noted Anoka County has obtained funds to build a right turn lane on east bound 109th to south bound Highway 65 and should be built in 2016.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:38 p.m.

There being no input, Mayor Ryan closed the Open Forum at 7:38 p.m.

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

Moved on the agenda to follow agenda item 11.6.

10. APPROVAL OF CONSENT AGENDA:

Councilmember Hovland stated his son-in-law works for Wal-Mart, but not at the Ball Road location and asked City Attorney Sweeney if he should abstain from voting on Motion 15-103. City Attorney Sweeney replied Councilmember Hovland did not need to abstain from voting as there was no conflict of interest.

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

Motion adopted unanimously.

10.-1 [MO 15-101](#) SCHEDULE OF BILLS PAID

Approved

10.-2 [RES 15-129](#) AUTHORIZE INSTALLATION OF REGULATORY SIGNS

Adopted

10.-3 [RES 15-130](#) AUTHORIZE INSTALLATION OF REGULATORY SIGNS

Adopted

10.-4 [MO 15-102](#) APPROVE A TEMPORARY ON-SALE 3.2% MALT BEVERAGE LICENSE FOR MS WELLNESS PROJECT, INC. AUGUST 15, 2015, 2:00 P.M. TO 9: 00 P.M. LOCATED AT 9191 LINCOLN STREET NE, BLAINE

Approved

10.-5 [MO 15-103](#) APPROVE A TOBACCO AND TOBACCO PRODUCTS LICENSE FOR WAL-MART STORES, INC. DBA: WAL-MART #3498, 4369 BALL ROAD NE, BLAINE

Approved

10.-6 [ORD 15-2321](#) SECOND READING

ARTICLE VI. - PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

Adopted

11. DEVELOPMENT BUSINESS

11.-1 [RES 15-105](#) GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR AN OUTDOOR EVENT (MEN'S EXPO) TO BE HELD ON SEPTEMBER 12, 2015 THAT INCLUDES VENDORS, MUSIC AND A CAR/BIKE

SHOW IN A PBD (PLANNED BUSINESS DISTRICT) AT 9250 LINCOLN STREET NE. GABE'S RINKSIDE BAR AND GRILL. (CASE FILE NO. 15-0033/LSJ)

Moved by Councilmember Swanson, seconded by Councilmember Bourke, that Resolution 15-105, "Granting a Conditional Use Permit to Allow for an Outdoor Event (Men's Expo) to be Held on September 12, 2015 that includes Vendors, Music and a Car/Bike Show in a PBD (Planned Business District) at 9250 Lincoln Street NE. Gabe's Rinkside Bar and Grill," 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 15-131](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR AN OUTDOOR EVENT TO BE HELD ON SEPTEMBER 12, 2015 THAT INCLUDES MUSICAL VENUES AND OUTDOOR SEATING IN A DF (DEVELOPMENT FLEX) ZONING DISTRICT AT THE VILLAGE OF BLAINE SHOPPING CENTER 4205-4470 PHEASANT RIDGE DRIVE. BLAINE ASSOCIATES, LLC. (CASE FILE NO. 15-0048/LSJ)

Planning and Community Development Director Schafer stated the Village Shopping Center is under new ownership and this event is for the merchants to get together with the new owner. He noted that no alcohol or food will be consumed outdoors.

Moved by Councilmember Bourke, seconded by Mayor Ryan, that Resolution 15-131, "Granting a Conditional Use Permit to Allow for an Outdoor Event to be held on September 12, 2015 that includes Musical Venues and Outdoor Seating in a DF (Development Flex) Zoning District at the Village of Blaine Shopping Center 4205-4470 Pheasant Ridge Drive. Blaine Associates, 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 15-132](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR EXTERIOR STORAGE IN AN I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT AT 9250 ISANTI STREET NE. MIDWEST CATV, INC. (CASE FILE NO. 15-0040/EOW)

Planning and Community Development Director Schafer stated the applicant is a new tenant and will be storing spools of wire in the back of their site and the area needs to be fenced and secured.

Moved by Councilmember Swanson, seconded by Councilmember Herbst, that Resolution 15-132, "Granting a Conditional Use Permit to Allow for Exterior Storage in an I-2 (Heavy Industrial) Zoning District at 9250 Isanti Street NE. Midwest CATV, Inc.," be approved.

Motion adopted unanimously.

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

Councilmember Herbst left the meeting at 7:43 p.m.

11.-4 [RES 15-133](#)

GRANTING PRELIMINARY PLAT APPROVAL TO SUBDIVIDE 7.81 ACRES INTO 45 DETACHED SINGLE FAMILY LOTS AND FOUR (4) OUTLOTS TO BE KNOWN AS PARKSIDE NORTH 3RD ADDITION AT 122ND AVENUE NE/WOODLAND PARKWAY. PARKSIDE NORTH LLC. (CASE FILE NO. 15-0041/SLK)

Planning and Community Development Director Schafer stated the applicant is requesting approval to subdivide 7.81 acres into 45 detached single-family homes and four outlots.

Moved by Councilmember King, seconded by Councilmember Bourke, that Resolution 15-133, "Granting a Preliminary Plat Approval to Subdivide 7.81 Acres into 45 Detached Single Family Lots and Four (4) Outlots to be known as Parkside North 3rd Addition at 122nd Avenue NE/Woodland Parkway. Parkside North LLC," 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

11.-5 [RES 15-134](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR CONSTRUCTION OF 45 DETACHED SINGLE FAMILY TOWNHOMES IN A DF (DEVELOPMENT FLEX) ZONING DISTRICT AT 122ND AVENUE NE/WOODLAND PARKWAY. PARKSIDE NORTH LLC. (CASE FILE NO. 15-0041/SLK)

Planning and Community Development Director Schafer stated the applicant is proposing to subdivide two outlots into 45 single family detached units.

Moved by Councilmember King, seconded by Councilmember Hovland, that Resolution 15-134, "Granting a Conditional Use Permit to allow for Construction of 45 Detached Single Family Townhomes in a DF (Development Flex) Zoning District at 122nd Avenue NE/Woodland Parkway. Parkside North LLC," 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

11.-6 [ORD 15-2320](#)

SECOND READING

GRANTING A CODE AMENDMENT TO THE RE (RESIDENTIAL ESTATE), R-1 (SINGLE FAMILY), R-1AA (SINGLE FAMILY), R-1A

(SINGLE FAMILY), R-1B (SINGLE FAMILY) ZONING DISTRICTS AND SECTION 33 (PERFORMANCE STANDARDS) TO ALLOW THE KEEPING OF NOT MORE THAN SIX (6) CHICKENS AS AN ACCESSORY USE. (CASE FILE NO. 15-0032/BKS)

Councilmember Herbst returned to the meeting at 7:48 p.m.

Planning and Community Development Director Schafer stated the Council discussed the proposed code amendment on July 9, 2015 and directed staff to reduce the side and rear setback to five feet and remove the requirement of obtaining neighbor sign-offs.

Moved by Councilmember Clark, seconded by Councilmember King that Ordinance 15-2320, "Granting a Code Amendment to the RE (Residential Estate), R-1 (Single Family), R-1AA (Single Family), R-1A (Single Family), R-1B (Single Family) Zoning Districts and Section 33 (Performance Standards) to allow the Keeping of Not More Than Six (6) Chickens as an Accessory Use," be approved.

Amended motion adopted 6-1 (Councilmember Swanson voting nay).

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

Nay: 1 - Councilmember Swanson

Moved by Councilmember Swanson, seconded by Councilmember King to amend Section 33.23, (a), "All chicken operations must be registered by the property owner with the City property prior to placement."

Amended motion adopted unanimously.

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

Councilmember Swanson stated neighbors on either side of a property should be involved in the process of approving the chickens.

Councilmember Hovland commented homeowners associations have their own rules. He stated neighbor approval should not be difficult and should be included with the application.

Councilmember King commented some neighbors do not get along and may hinder the residents who want to have the chickens as pets. He stated a notification to the neighbors is appropriate and would be less work for City staff.

Councilmember Bourke stated he does not agree with neighbor approval but agreed there should be a notification. He commented he would like to see a compromise.

Councilmember Clark asked if there are other City ordinances requiring neighbor approval. Planning and Community Development Director Schafer replied no.

Mayor Ryan commented kennel licenses require a public hearing. Chief Olson noted kennels in residential areas are no longer allowed with the exception of those grandfathered in.

Councilmember Bourke asked if the current chicken owners would have to comply with the ordinance. Planning and Community Development Director Schafer stated it is currently illegal to have chickens in a residential area.

Moved by Councilmember Swanson, seconded by Mayor Ryan, that this be Motion failed unanimously.

Aye: 2 - Mayor Ryan and Councilmember Swanson

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

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

9.-1 [ORD 15-2316](#) SECOND READING

CHAPTER 12. - MISCELLANEOUS AND TRANSITORY PROVISIONS
SEC. 12.06. - VACATION OF STREETS.

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

City Clerk Sorensen stated the Charter Commission recommends simplifying the process of granting vacations of streets through resolution instead of ordinance. She noted this process is being initiated again as a full Council was not present in June for consideration, which is required by State Statute for Charter amendments.

Mayor Ryan continued the public hearing to August 20, 2015 for further opportunity for public input.

Declared by Mayor Ryan that Ordinance 15-2315, "Chapter 12. – Miscellaneous and Transitory Provisions Sec. 12.06. – Vacation of Streets," be introduced and placed on file for second reading at the August 20, 2015, Council meeting if a full Council is present for consideration.

12. ADMINISTRATION

12.-1 [RES 15-135](#) APPROVE PLANS AND SPECIFICATIONS AND ORDER ADVERTISEMENT FOR BIDS FOR TRUNK UTILITY IMPROVEMENTS TO SERVE THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 23 AND THE PLAT OF

GLENN MEADOWS, IMPROVEMENT PROJECT NO. 14-14

City Engineer Keely stated the proposed improvements include trunk and lateral water main, and trunk and lateral sanitary sewer. She stated the estimated cost is to be paid through pooled TIF funds, special assessments, deferred assessments, connection charges, and Public Utility funds.

Moved by Mayor Ryan, seconded by Councilmember Bourke, that Resolution 15-135, "Approve Plans and Specifications and Order Advertisement for Bids for Trunk Utility Improvements to Serve the North Half of the Northeast Quarter of Section 23 and the Plat of Glen Meadows," be approved.

Motion adopted unanimously.

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

12.-2 [RES 15-136](#)**ACCEPT BID FROM DUNAWAY CONSTRUCTION IN THE AMOUNT OF \$124,947.50 FOR CONSTRUCTION OF HARPERS PARK, IMPROVEMENT PROJECT NO. 15-06**

Public Services Manager Therres stated the City received three bids and determined that Dunaway Construction of Columbus, Minnesota to be the lowest bid. He stated staff recommends Council accept the bid and enter into contract with Dunaway Construction. He stated Council is also asked to approve a 10% contingency.

Councilmember Herbst asked about the status of funds in the Park Fund. Public Services Manager Therres replied the Park Fund has been used for the Lexington Athletic Complex so the fund is down from the previous level.

Moved by Councilmember Bourke, seconded by Councilmember King, that Resolution 15-136, "Accept Bid from Dunaway Construction in the Amount of \$124,947.50 for Construction of Harpers Park," be approved.

Motion adopted unanimously.

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

12.-3 [MO 15-104](#)**ACCEPTING THE PROPOSAL FOR REPLACEMENT PLAYGROUND EQUIPMENT IN THE AMOUNT NOT TO EXCEED \$220,000 FROM MINNESOTA/WISCONSIN PLAYGROUND FOR AQUATORE PARK**

Public Services Manager Therres stated staff utilized the U.S. Communities Government Alliance to choose playground equipment line manufactured by GameTime and supplied by Minnesota/Wisconsin Playground. He stated the improvement includes concrete border, wood fiber, rubber surfacing, benches, playground equipment and installation.

Moved by Councilmember Bourke, seconded by Councilmember Herbst, that Resolution 15-104, "Accepting the Proposal for Replacement Playground

Equipment in the Amount not to Exceed \$220,000 from Minnesota/Wisconsin Playground for Aquatore Park," 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

Councilmember King requested a Workshop on the impacts of the costs and benefits of vacating 105th Avenue and dedicating the roadway to the National Sports Center. City Manager Arneson stated a public hearing will be needed.

Councilmember Bourke requested a cost analysis on rebuilding 105th Avenue.

Councilmember Clark commented the businesses on the frontage road and industrial businesses need to be protected. He questioned if 105th Avenue would be closed if it is dedicated to the Sports Center.

Councilmember Swanson commented traffic on 109th Avenue will increase.

Councilmember Herbst commented he wants to hear from the residents.

Councilmember Clark suggested the Sports Center submit a proposal to the Council as part of the process.

14. ADJOURNMENT

Moved by Councilmember Herbst, seconded by Councilmember Bourke, to adjourn the meeting at 8:31 p.m.

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