



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

10801 Town Square Drive
Blaine MN 55449

Thursday, May 21, 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; Stormwater Manager Jim Hafner; Communications Technician Roark Haver; Senior Engineering Technician Jason Sundeen; City Clerk Catherine Sorensen; and Recording Secretary Linda Dahlquist.

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

Absent: 1 - Councilmember Swanson

4. **APPROVAL OF MINUTES**

4.-1 **MIN 15-16** RECENTLY HELD MEETINGS

Moved by Councilmember Bourke, seconded by Councilmember King, that the Workshop Meeting Minutes of May 7, 2015, and the Regular Meeting Minutes of May 7, 2015, be approved.

Motion adopted unanimously.

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

5. **AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS - RECOGNITION**

5.-1 **Business Recognition - Tyrone Trucking**

Mayor Ryan recognized and thanked Tyrone Transportation for their donation

to the Blaine Public Safety Association.

6. COMMUNICATIONS

Mayor Ryan thanked the staff, volunteers and participants for a successful WorldFest event.

Mayor Ryan stated the City's memorial celebration will be held at Bunker Park on May 23, 2015.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:39 p.m.

There being no input, Mayor Ryan closed the Open Forum at 7:40 p.m.

8. ADOPTION OF AGENDA

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

Moved on the agenda to follow agenda item 12.04.

10. APPROVAL OF CONSENT AGENDA:

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

10.-1 [MO 15-070](#) SCHEDULE OF BILLS PAID

Approved

10.-2 [MO 15-071](#) CONFIRM MAYORAL APPOINTMENT TO THE 2015 PLANNING COMMISSION

Approved

10.-3 [MO 15-072](#) APPROVE THERAPEUTIC MASSAGE ENTERPRISE LICENSE FOR A MASSAGE ESCAPE, 12203 ABERDEEN STREET SUITE 100, BLAINE, MN 55449

Approved

10.-4 [MO 15-068](#) AUTHORIZE TEMPORARY REMOVAL OF PARKING RESTRICTIONS ON 91ST AVENUE, 92ND AVENUE, 92ND LANE AND BALTIMORE STREET TO ACCOMMODATE LETTERMEN SPORTS TENT SALES ON JUNE 11-14 AND JULY 30-AUGUST 2, 2015

Approved

10.-5 [RES 15-091](#) AUTHORIZE INSTALLATION OF REGULATORY SIGNS

Adopted

10.-6 [MO 15-074](#) APPROVAL OF A TEMPORARY ON-SALE 3.2 PERCENT MALT BEVERAGE LICENSE FOR THE DISCOVER AVIATION DAYS

Approved

10.-7 [ORD 15-2314](#) VACATION OF EASEMENTS FOR DRAINAGE, UTILITY AND PUBLIC STREET PURPOSES IN THE PROPOSED PLAT OF WAGAMON RANCH, DOCUMENT NOS. 219177 AND 944239, VACATION NO. V15-02

Adopted

11. DEVELOPMENT BUSINESS**11.-1** [RES 15-092](#) GRANTING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR EXPANSION OF AN EXISTING FITNESS FACILITY LOCATED IN AN I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT AT 1630 101ST AVENUE NE. GENERATION FITNESS, LLC (CROSSFIT BLAINE) (CASE FILE NO. 15-0025/SLK)

Planning and Community Development Director Schafer stated the applicant is proposing to expand an existing fitness center to include two additional suites 180 and 190 on the east end cap of the building.

Moved by Councilmember Bourke, seconded by Councilmember Herbst, that Resolution 15-092, "Granting a Conditional Use Permit Amendment to Allow for Expansion of an Existing Fitness Facility Located in an I-2 (Heavy Industrial) Zoning District at 1630 101st Avenue NE. Generation Fitness, LLC (Crossfit Blaine)," be approved.

Motion adopted unanimously.

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

11.-2 [RES 15-098](#) GRANTING A VARIANCE TO SECTION 34.07(C)(2) OF THE ZONING ORDINANCE STANDARD OF 36 SQUARE FEET TO ALLOW FOR AN ADDITIONAL 77 SQUARE FEET OF ALLOWABLE SIGN SQUARE FOOTAGE FOR A TOTAL OF 113 SQUARE FEET AND TO THE 10 FOOT HEIGHT STANDARD TO ALLOW AN ADDITIONAL 2.5 FEET OF HEIGHT FOR A NEW MONUMENT SIGN AT 1264 109TH AVENUE NE. KINGSWOOD CHURCH. (CASE FILE NO. 15-0026/SLK)

Planning and Community Development Director Schafer stated the applicant is requesting to replace their monument sign with a larger and taller one than what the current R-1 standards allow. He suggested a code amendment be

made in the future for similar situations.

Moved by Councilmember Herbst, seconded by Mayor Ryan, that Resolution 15-098, "Granting a Variance to Section 34.07(C)(2) of the Zoning Ordinance Standard of 36 Square Feet to Allow for an Additional 77 Square Feet of Allowance Sign Square Footage for a Total of 113 Square Feet and to the 10 Foot Height Standard to Allow an Additional 2.5 Feet of Height for a New Monument Sign at 1264 109th Avenue NE. Kingswood Church," be approved.

Motion adopted unanimously.

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

11.-3 [RES 15-093](#)

GRANTING AN EXTENSION FOR FINAL PLAT APPROVAL TO SUBDIVIDE 28.53 ACRES INTO 42 SINGLE FAMILY LOTS AND TWO OUTLOTS TO BE KNOWN AS PRESERVE AT LEGACY CREEK 3rd ADDITION (LEGACY CREEK PARKWAY/129th AVENUE NE). THE RYLAND GROUP, INC. (CASE FILE NO. 14-0059/LSJ)

Planning and Community Development Director Schafer stated the applicant is requesting an extension of the final plat approval for the third phase of the development.

Moved by Councilmember Hovland, seconded by Councilmember King, that Resolution 15-093, "Granting an Extension for Final Plat Approval to Subdivide 28.53 Acres into 42 Single Family Lots and Two Outlots to be Known as Preserve at legacy Creek 3rd Addition (Legacy Creek Parkway/129th Avenue NE). The Ryland Group, Inc.," be approved.

Motion adopted unanimously.

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

11.-4 [RES 15-094](#)

GRANTING FINAL PLAT APPROVAL TO SUBDIVIDE 4.45 ACRES INTO ONE (1) LOT TO BE KNOWN AS EMBERWOOD AT 126TH AVENUE/CENTRAL AVENUE NE. KASON, INC. (CASE FILE NO. 14-0002/LSJ)

Planning and Community Development Director Schafer stated the final plat consists of one new lot, easements and additional right-of-way for the service road. He noted that park dedication has not been paid for the parcels and would now be due.

Moved by Councilmember Bourke, seconded by Councilmember King, that Resolution 15-094, "Granting Final Plat Approval to Subdivide 4.45 Acres into One (1) Lot to be Known as Emberwood at 126th Avenue/Central Avenue NE. Kason, Inc.," be approved.

Motion adopted unanimously.

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

11.-5 [RES 15-095](#)

GRANTING FINAL PLAT APPROVAL TO SUBDIVIDE 76 ACRES INTO 29 SINGLE FAMILY LOTS AND 4 OUTLOTS TO BE KNOWN

AS SANCTUARY PRESERVE AT LEXINGTON AVENUE/114TH AVENUE NE. PULTE GROUP. (CASE FILE NO. 15-0014/LSJ)

Planning and Community Development Director Schafer stated Pulte Homes has submitted final plat that consists of 76 acres for phase one which includes 29 single-family lots and four outlots.

Councilmember Bourke asked if speed humps will be built in this development. Planning and Community Development Director Schafer replied that speed humps will be considered if needed in a future phase.

Councilmember Clark commented that some residents are looking for additional dialog about this development.

Moved by Mayor Ryan, seconded by Councilmember Bourke, that Resolution 15-095, "Granting Final Plat Approval to Subdivide 76 Acres into 29 Single Family Lots and 4 Outlots to be known as Sanctuary Preserve at Lexington Avenue/114th Avenue NE. Pulte Group," be approved.

Motion adopted unanimously.

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

11.-6 [RES 15-096](#)

GRANTING FINAL PLAT APPROVAL TO RE-PLAT TWO EXISTING LOTS (32.78 ACRES TOTAL) INTO TWO NEWLY RECONFIGURED LOTS, A 30.55 ACRE PARCEL AND A 2.23 ACRE PARCEL TO BE KNOWN AS MILLS SECOND ADDITION TO Blaine AT 10220 LEXINGTON AVENUE NE. ALDI, INC. (CASE FILE NO. 15-0018)

Planning and Community Development Director Schafer stated the applicant is proposing to replat Lots 1 and 3, Block 1 Mills Addition. He stated the two existing parcels are approximately 33 acres combined. He stated the applicant is working with the owner to adjust the west and north property line to provide a useable lot to construct a 17,825 square foot building to use as an Aldi Food Market.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that Resolution 15-085, "Granting Preliminary Plat Approval to Re-plat Two Existing Lots (32.78 Acres Total) into Two Newly Reconfigured Lots, a 30.55 Acre Parcel and a 2.23 Acre Parcel to be Known as Mills Second Addition at 10220 Lexington Avenue NE. Aldi, Inc.," be approved.

Motion adopted unanimously.

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

11.-7 [RES 15-097](#)

GRANTING FINAL PLAT APPROVAL TO SUBDIVIDE 8.73 ACRES INTO EIGHT (8) LOTS AND ONE (1) OUTLOT TO BE KNOWN AS WOODLAND VILLAGE 10TH ADDITION AT 121ST AVENUE/WOODLAND PARKWAY. WOODLAND DEVELOPMENT. (CASE FILE NO. 15-0013/SLK)

Planning and Community Development Director Schafer stated the applicant is proposing to subdivide 8.73 acres into a subdivision with a total of 8 single family lots for single family detached homes and one outlot for future development.

Moved by Mayor Ryan, seconded by Councilmember Hovland, that Resolution 15-097, "Granting Final Plat Approval to Subdivide 8.73 Acres into Eight (8) Lots and One (1) Outlot to be Known as Woodland Village 10th Addition at 121st Avenue/Woodland Parkway. Woodland Development" be approved.

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

Motion adopted 4-2 (Councilmembers Herbst and King).

Aye: 4 - Mayor Ryan, Councilmember Bourke, Councilmember Clark and Councilmember Hovland

Nay: 2 - Councilmember Herbst and Councilmember King

12. ADMINISTRATION

12.-1 [MO 15-075](#)

APPOINTMENTS TO SENIOR CITIZEN ADVISORY COUNCIL FOR 2015-2017

Mayor Ryan suggested Ivan Arndt, Joanne Lero, Nellie Spexet, William Milkes, Martha Caouette, Patricia Sandin, Jerry Schilling, Shirley Knoll and James Grant serve on the Senior Citizen Advisory Board for a two-year term expiring January 31, 2017.

Moved by Mayor Ryan, seconded by Councilmember Herbst, that Motion 15-075, "Appointments to Senior Citizen Advisory Council for 2015-2017," be approved.

Motion adopted unanimously.

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

Mayor Ryan requested to be appointed as the Chair of the Senior Citizen Advisory Council.

Moved by Councilmember Herbst, seconded by Councilmember Bourke to appoint Mayor Ryan as the Chair of the Senior Citizen Advisory Council.

Motion adopted unanimously.

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

12.-2 [MO 15-069](#)

AMEND CONTRACT WITH SHORT ELLIOTT HENDRICKSON, INC. FOR PRELIMINARY AND FINAL DESIGN FOR THE

RECONSTRUCTION OF 125TH AVENUE (CSAH 14) FROM
RADISSON ROAD (CSAH 52) THROUGH HARPERS STREET,
IMPROVEMENT PROJECT NO. 13-14

City Engineer Keely stated the consultant provided cost savings research services which were outside the original project scope that cost an additional \$30,034.

Councilmember Herbst stated he will abstain from voting on this resolution due to a conflict of interest due to his son lives on the road and that his son is talking to Anoka County about a storm water pond on his property.

Councilmember King requested information on the cost savings of the project.

Councilmember Bourke asked about merging two ponds. City Engineer Keely replied the two ponds need to remain separate.

Moved by Mayor Ryan, seconded by Councilmember Hovland, that Motion 15-069, "Amend Contract with Short Elliott Hendrickson, Inc. for Preliminary and Final Design for the Reconstruction of 125th Avenue (CSAH 14) from Radisson Road (CSAH 52) through Harpers Street," be approved.

Motion adopted 5-0-1 (Councilmember Herbst abstained).

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

Abstain: 1 - Councilmember Herbst

12.-3 [MO 15-076](#)

AUTHORIZE CITY MANAGER TO ENTER INTO CONTRACT WITH
WENCK ASSOCIATES IN THE AMOUNT OF \$13,375.00 FOR
MONITORING WETLAND RESTORATION AT LEXINGTON
ATHLETIC COMPLEX

Stormwater Manager Hafner stated the construction of the Lexington Athletic Complex resulted in impacts to wetlands on the project site. He stated the impacts were mitigated on the site rather than mitigating through purchase of bank credits. He stated the Wetland Conservation Act requires that wetland restorations be monitored for up to 5 years to ensure success. He noted that the monitoring was not included in the original contracts and had to be bid separately. He stated the City received four quotes and recommends the Council accept the quote from Wenck Associates. He noted that the Wenck quote is higher than the lowest quote.

Councilmember Bourke confirmed the City could have used banked credits instead of mitigation. Stormwater Manager Hafner replied yes. He noted the City has banked credits, but he was not involved in the decision to use mitigation.

Mayor Ryan asked what monitoring involves. Stormwater Hafner replied Wenck will go to the site and take pictures and document the vegetation

growth and file a report for the Technical Evaluation Panel to review.

Councilmember Clark questioned the bidder's not to exceed bid. Stormwater Manager Hafner replied the lowest bid did not include items that are necessary for the project.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that Motion 15-076, "Authorize City Manager to Enter into Contract with Wenck Associates in the Amount of \$13,375.00 for Monitoring Wetland Restoration at Lexington Athletic Complex," be approved.

Motion adopted unanimously.

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

12.-4 [MO 15-073](#)

AUTHORIZE REPAIRS TO POLICE SQUAD 5236

Safety Services Manager/Police Chief Olson stated two squad cars were damaged during an incident. He noted one squad car requires repair that is estimated to be over \$10,000.00. He noted that the repairs will be claimed through auto insurance or court restitution to cover cost.

Councilmember Bourke asked if a local auto body shop will be used. Safety Services Manager/Police Chief Olson replied yes.

Moved by Councilmember Clark, seconded by Councilmember Herbst, that Resolution 15-073, "Authorize Repairs to Police Squad 5236," be approved.

Motion adopted unanimously.

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

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

9.-1 [RES 15-089](#)

ORDER IMPROVEMENT AND ORDER PREPARATION OF PLANS AND SPECIFICATIONS FOR HARPERS STREET AREA REGIONAL STORM DRAINAGE IMPROVEMENTS, IMPROVEMENT PROJECT NO. 13-12

Mayor Ryan opened the public hearing at 8:13 p.m.

City Engineer Keely stated the proposed improvements include construction of a regional storm water pond and trunk storm sewer to serve various properties surrounding Hampers Street and Flanders Street south of 128th Avenue. She noted that the neighborhood residents were not in favor of the project. She stated the developer is requesting the public hearing be continued in order for them to set a meeting with the six property owners.

Councilmember Herbst left the meeting at 8:16 p.m. and returned at 8:18 p.m.

Dan Boxrud, 14560 Quemoy Street NE, stated he and his wife own the property at 12600 Harpers Street and he was surprised by the cost of the project. He noted that he will not be developing within the next three years. He stated he concurs with the developers that the project should be delayed.

Steve Byhoffer, 12650 Harpers Street, Ham Lake, stated he attended the informational meeting and was surprised by the cost. He requested the Council deny the project.

Councilmember King stated he attended the informational meeting and he would be in favor of postponing the project due to cost.

Mayor Ryan closed the public hearing at 8:24 p.m.

Councilmember Herbst stated he will abstain on this item due to a conflict of interest.

Moved by Councilmember King, seconded by Councilmember Clark to continue the public hearing.

Motion adopted 5-0-1 (Councilmember Herbst).

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

Abstain: 1 - Councilmember Herbst

Councilmember Clark commented in the Northeast Area Guide Plan, residents did not have to hook up to sewer and water until their property developed in order to prevent people from being forced out of their homes by assessments. He requested staff to research if this policy could be applied to this situation.

Councilmember Bourke asked about the height of an existing culvert being too high and requires adjusted. City Engineer Keely replied the culvert is privately owned and the Watershed District is talking to the property owner.

City Engineer Keely suggested the residents contact the City after their discussion with the developer so that the City can set a date for the continued public hearing.

9.-2 [ORD 15-2315](#)

SECOND READING

VACATION OF EASEMENT FOR UTILITY AND ROAD PURPOSES FOR LOT 7, BLOCK 1, HARPERS STREET WOODS 5TH ADDITION (OUTLOT B, HARPERS STREET WOODS 2ND ADDITION; DOCUMENT NO. 446892), VACATION NO. V15-03

Mayor Ryan opened the public hearing at 8:26 p.m.

City Engineer Keely stated the vacation of easement for utility and road purposes for Lot 7, Block 1, Harpers Street Woods 5th Addition is being requested due to the right-of-way no longer being needed.

Mayor Ryan closed the public hearing at 8:27 p.m.

Declared by Mayor Ryan that Ordinance 15-2315, "Vacation of Easement for Utility and Road Purposes for Lot 7, Block 1, Harpers Street Woods 5th Addition (Outlot B, Harpers Street Woods 2nd Addition; Document No. 446892), Vacation No. V15-03," be introduced and placed on file for second reading at the June 4, 2015, Council meeting.

9.-3 [ORD 15-2313](#)

SECOND READING

AN ORDINANCE AMENDING CHAPTER 6, ADMINISTRATION OF CITY AFFAIRS, SECTION 6.05, PURCHASES AND CONTRACTS, OF THE CHARTER OF THE CITY OF BLAINE

Mayor Ryan opened the public hearing at 8:28 p.m.

City Clerk Sorensen stated the Charter Commission is suggesting the expenditure limit for purchases and contracts for the City Manager be increased to \$25,000.00.

Mayor Ryan closed the public hearing at 8:29 p.m.

Declared by Mayor Ryan that Ordinance 15-2313, "An Ordinance Amending Chapter 6, Administration of City Affairs, Section 6.05, Purchases and Contracts, of the Charter of the City of Blaine," be introduced and placed on file for second reading at the June 4, 2015, Council meeting.

13. OTHER BUSINESS

None.

14. ADJOURNMENT

Moved by Councilmember Herbst, seconded by Councilmember Bourke, to adjourn the meeting at 8:30 p.m.

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